

REQUEST FOR PROSECUTION

PAGE 1 OF 2

AGENCY CASE NO: 150106-2982

SUBMITTING AGENCY

AGENCY: LMPD	PHONE: 504.251.7446	AGENCY NOTES: JAN 7 AM 7 47
DETAIL: FCB / ARRESTS	FAX: 504.251.7446	RECEIVED 48
OFFICER: F. BREN	PK: 7946	

DEFENDANT INFORMATION

A	NAME: QAZI, OMAR WUSON 27	ID NO: 1993576	ARR: 1/6
A	AKA:		PAD: 1/9
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input checked="" type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input checked="" type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CH		RET: 1/9
A	NAME:	ID NO:	ARR: 1/6
	AKA:		PAD: 1/6
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CH		RET: 1/6

DA OFFICE USE ONLY

CASE NO. 15F00233X	TRACK 02	ATTY: Comp	DATE: 1-7
--------------------	----------	------------	-----------

CHARGE INFORMATION

SEQ NO.	A	CHARGES	NRB	EVENT NO.	DATE / TIME	LOCATION / ZIP	VICTIM
1	A	OWN / POSSIBLE F/A BY PROHIBITED PERSON (F) <input type="checkbox"/> GM <input type="checkbox"/> M	202-360	S/A	1-6-15 1615	HARMON / KAHN LWN 89169	NV
ATTY NOTES: Smith & Wesson 22 SN M37231 CC							
2	A	POS. WITH INTENT TO SELF HARM / MURDER (F) <input type="checkbox"/> GM <input type="checkbox"/> M	453-337	S/A	S/A	S/A	S/A
ATTY NOTES: (1) meth (2) meth							
<div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;"> Approved, but pls send ODN ASAP + <u>not</u> in onbale! </div>							
ATTY NOTES:							
<div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;"> PSN </div>							
ATTY NOTES:							

DEFENDANT'S EXHIBIT

501

003

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARRESTPage: 1 of 1I.D. # 199 3576True Name: QAZI, OMAR WASIM Date of Arrest: 1-6-15 Time of Arrest: 1615

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVMPD (Department), ClarkCounty, Nevada, being so employed for a period of 12 years (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (orwas committing) the offense of OWN/POSS. F/A BY PROH. PEEL'S RES. W/TS (MURDER) at the location of HARMON/KOVAC, LVN 89169 (ADDRESS/CITY/STATE/ZIP)and that the offense occurred at approximately 1615 hours on the 6 day of JANUARY, 2015, in the county of Clark or City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

SEE ARREST REPORT PER LT. SMITH (FIREARMS SECTION)

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant must sign second page with original signature.

Declarant's Signature

F. BIEN
Print Declarant's NameP# 7946

LVMPD 22-1017

15F00233X - QAZI, OMAR

Page 4 of 13

004

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
ARREST REPORT

15F00233X/02

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat M3

ID/EVENT# 1993576	ARRESTEE'S NAME (Last) Qazi		(First) Omar		(Middle) Wasim	S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1880 Rochelle #12 Las Vegas, NV 89119						
CHARGES Own/possess gun by prohibited person, PCS Meth/Marijuana with Intent to sell						
OCCURRED	DATE 1-6-15	DAY OF WEEK Tue	TIME 1553	LOCATION OF ARREST (Number, Street, City, State, Zip Code) Harmon west of Koval Las Vegas, NV 89169		
RACE H	SEX M	D.O.B.	HT. 6'2"	WT. 210	HAIR Blk	EYES Bro
PLACE OF BIRTH						
ARRESTING OFFICER #1: F. Bien		P#: 7946		ARRESTING OFFICER #2:		P#:
CONNECTING REPORTS (Type or Event Number) 150106-2982; Felony arret packet, Judgment of Convictions						

APPROVED BY (PRINTED NAME): B. Wolfenbarger P# 5980

CIRCUMSTANCES OF ARREST:

Detectives Involved:

F. Bien P# 7946

M. Kitchen P# 6474

Sergeant Involved:

B. Wolfenbarger P# 5980

Officer Involved:

J. Glover P# 13976

Location:

Harmon west of Koval

Las Vegas, NV 89169

Suspect/Arrestee:

Qazi, Omar

ID# 1993576

Vehicle:

Gold 1995 Saturn SL1

NV/ 916-ARL

VIN: 1G8ZH5281SZ394827

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 1993576

Firearm:

Black revolver with brown wood handles and 6 rounds of ammunition.

Make: Smith and Wesson

Model: 34-1

Serial Number: M37231

Caliber: .22 LR

Barrel: 4 inches

Made: USA

Narrative:

On 1-6-14 at 1553 hours, Officer J. Glover operating as marked patrol unit 7M13 was traveling west on Harmon at the East 370 block. A gold Saturn bearing NV/916-ARL pulled out of the Harbor Island apartments onto Harmon to go west. The vehicle failed to yield right of way and the officer had to slam on his brakes to avoid an accident. The officer decided to initiate a traffic stop by activating his overhead red/blue emergency lights. The vehicle came to a stop on Harmon just west of Koval. Once Officer Glover approached the driver's side window he detected an odor of Marijuana emitting from the vehicle. The driver and sole occupant was asked to exit the vehicle and surrender his driver's license. The driver was identified as Omar Qazi, ID# 1993576. Due to the fact there was an odor of Marijuana coming from inside the vehicle, Officer Glover then conducted a Probable Cause vehicle search in an attempt to locate the Marijuana contraband. In the center console there was an ashtray that was loose. The ashtray was lifted up very easily and underneath there was a bag of what appeared to be Marijuana, Crystal Meth, and a black revolver firearm. The narcotics were recovered; however the firearm was left in place to preserve DNA evidence.

A records check of Qazi was conducted and it was determined that he is a convicted felon out of Nevada for Battery with Substantial Bodily Harm in 2012. Qazi was placed in handcuffs and under arrest at that time by Officer Glover and the Firearms Investigation Unit was notified. Upon my arrival I received a full brief of the incident from Officer Glover and applied for a Telephonic Search warrant to recover the Firearm and a DNA sample. The warrant was approved by the Honorable C. Hafen at 1803 Hours.

At 1815 hours, I obtained the DNA sample from Qazi, and then recovered the firearm. The firearm barrel was facing forward laying on its side with the trigger and handle facing the passenger seat. The firearm was in a position that it could have easily been placed there by the driver while the vehicle was in motion and before it came to a stop. Digital photos of the vehicle and firearm were taken by Detective Kitchen in my presence. I recovered the firearm forensically sound using fresh latex gloves to preserve any DNA that would have been left on the firearm. The firearm was determined to be a Smith and Wesson, .22 revolver with six rounds of live ammunition in the cylinder and a serial number of M37231.

I then obtained the narcotics from Officer Glover. Both the Marijuana and Methamphetamine were field tested positive back at Headquarters by myself in the presence of Detective Kitchen. The narcotics were packaged as follows:

Marijuana:

1 small baggie weighing .7 grams gross

1 small baggie weighing .8 grams gross

1 medium baggie weighing 2.6 grams gross

Total gross weight = 4.1 grams gross

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 1993576

Methamphetamine:

- 1 small baggie weighing .4 grams gross
- 1 small baggie weighing .4 grams gross
- 1 small baggie weighing .4 grams gross

Total gross weight = 1.2 grams gross

Due to the fact that Qazi is a convicted felon [REDACTED] he was booked for one count of Own/possess gun by prohibited person. Furthermore, based on my training and experience and several narcotic type arrests that I have made in the past, it is probable that the narcotics was packaged in such a way that it would be reasonable to show it was for sale and not personal use. Even though Qazi would not admit knowledge of the narcotics, it is reasonable that he knew the narcotics were there because the firearm was underneath the narcotics.

Both the firearm and narcotics were impounded at Headquarters and the Judgment of Conviction for Qazi was faxed to CCDC records to be included in the Felony Arrest Packet.

Page 3 of 3

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

"PRINT"

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat

M3

"Click to Enter/Change Event or ID Number"

ID/EVENT# 150106-2982	ARRESTEE'S NAME (Last) (First) (Middle) Qazi Omar Wasim			S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1880 Rochelle #12 Las Vegas, NV 89119				
CHARGES Own/possess gun by prohibited person, PCS Meth/Marijuana with intent to sell				
OCCURRED 1-6-15	DATE 1-6-15	DAY OF WEEK Tue	TIME 1553	LOCATION OF ARREST (Number, Street, City, State, Zip Code) Harmon west of Koval Las Vegas, NV 89169
RACE H	SEX M	D.O.B.	HT. 6'2"	WT. 210
			HAIR Blk	EYES Bro
PLACE OF BIRTH				

ARRESTING OFFICER #1: F. Bien	P#: 7946	ARRESTING OFFICER #2:	P#:
CONNECTING REPORTS (Type or Event Number) Felony arret packet, Judgment of Convictions			

APPROVED BY (PRINTED NAME): B. Wolfenbarger P# 5980

CIRCUMSTANCES OF ARREST:

Detectives Involved:

F. Bien P# 7946

M. Kitchen P# 6474

Sergeant Involved:

B. Wolfenbarger P# 5980

Officer Involved:

J. Glover P# 13976

Location:

Harmon west of Koval

Las Vegas, NV 89169

Suspect/Arrestee:

Qazi, Omar

ID# 1993576

Vehicle:

Gold 1995 Saturn SL1

NV/ 916-ARL

VIN: 1G8ZH5281SZ394827

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORTID/EVENT #: 150106-2982**Firearm:**

Black revolver with brown wood handles and 6 rounds of ammunition.

Make: Smith and Wesson

Model: 34-1

Serial Number: M37231

Caliber: .22 LR

Barrel: 4 Inches

Made: USA

Narrative:

On 1-6-14 at 1553 hours, Officer J. Glover operating as marked patrol unit 7M13 was traveling west on Harmon at the East 370 block. A gold Saturn bearing NV/916-ARL pulled out of the Harbor Island apartments onto Harmon to go west. The vehicle failed to yield right of way and the officer had to slam on his brakes to avoid an accident. The officer decided to initiate a traffic stop by activating his overhead red/blue emergency lights. The vehicle came to a stop on Harmon just west of Koval. Once Officer Glover approached the driver's side window he detected an odor of Marijuana emitting from the vehicle. The driver and sole occupant was asked to exit the vehicle and surrender his driver's license. The driver was identified as Omar Qazi, ID# 1993576. Due to the fact there was an odor of Marijuana coming from inside the vehicle. Officer Glover then conducted a Probable Cause vehicle search in an attempt to locate the Marijuana contraband. In the center console there was an ashtray that was loose. The ashtray was lifted up very easily and underneath there was a bag of what appeared to be Marijuana, Crystal Meth, and a black revolver firearm. The narcotics were recovered; however the firearm was left in place to preserve DNA evidence.

A records check of Qazi was conducted and it was determined that he is a convicted felon out of Nevada for Battery with Substantial Bodily Harm in 2012. Qazi was placed in handcuffs and under arrest at that time by Officer Glover and the Firearms Investigation Unit was notified. Upon my arrival I received a full brief of the incident from Officer Glover and applied for a Telephonic Search warrant to recover the Firearm and a DNA sample. The warrant was approved by the Honorable C. Hafen at 1803 Hours.

At 1815 hours, I obtained the DNA sample from Qazi, and then recovered the firearm. The firearm barrel was facing forward laying on its side with the trigger and handle facing the passenger seat. The firearm was in a position that it could have easily been placed there by the driver while the vehicle was in motion and before it came to a stop. Digital photos of the vehicle and firearm were taken by Detective Kitchen in my presence. I recovered the firearm forensically sound using fresh latex gloves to preserve any DNA that would have been left on the firearm. The firearm was determined to be a Smith and Wesson, .22 revolver with six rounds of live ammunition in the cylinder and a serial number of M37231.

I then obtained the narcotics from Officer Glover. Both the Marijuana and Methamphetamine were field tested positive back at Headquarters by myself in the presence of Detective Kitchen. The narcotics were packaged as follows:

Marijuana:

1 small baggie weighing .7 grams gross

1 small baggie weighing .8 grams gross

1 medium baggie weighing 2.6 grams gross

Total gross weight = 4.1 grams gross

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 150106-2982

Methamphetamine:

1 small baggie weighing .4 grams gross
1 small baggie weighing .4 grams gross
1 small baggie weighing .4 grams gross

Total gross weight = 1.2 grams gross

Due to the fact that Qazi is a convicted felon [REDACTED] he was booked for one count of Own/possess gun by prohibited person. Furthermore, based on my training and experience and several narcotic type arrests that I have made in the past, it is probable that the narcotics was packaged in such a way that it would be reasonable to show it was for sale and not personal use. Even though Qazi would not admit knowledge of the narcotics, it is reasonable that he knew the narcotics were there because the firearm was underneath the narcotics.

Both the firearm and narcotics were impounded at Headquarters and the Judgment of Conviction for Qazi was faxed to CCDC records to be included in the Felony Arrest Packet.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

OFFICER'S REPORT

"Click to Edit Event# on ALL Pages"

Event #: 150106-2982

"Click to Edit Date/Time of Report"

"PRINT"

Search Warrant Service

SUBJECT

DIVISION
REPORTING: Firearms Investigation UnitDIVISION OF
OCCURRENCE: Convention Center Area CommandDATE & TIME
OCCURRED: 1-6-15 / 1553 HoursLOCATION OF
OCCURRENCE: Harmon west of Koval, Las Vegas, NVNARRATIVE:**Detectives Involved:**

F. Bien P# 7946

M. Kitchen P# 8474

Officer Involved:

J. Glover P# 13976

Sergeant Approving Warrant:

B. Wolfenbarger P# 5980

DA Approving Warrant:

Lynn Robinson

Judge Approving Warrant:

Honorable C. Hafen

Location:Harmon west of Koval
Las Vegas, NV 89169**Suspect/Arrestee:**

Qazi, Omar

ID# 1993576

Vehicle:

Gold 1995 Saturn SL1

NV/ 916-ARL

VIN: 1G8ZH5281SZ394827

Date and Time of Report: 1-7-15 / 1250Officer: F. Bien P#: 7946Approved By: B. Wolfenbarger P# 5980

Officer: _____ P#: _____

SIGNATURE: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATIONEvent #: 150106-2982**Firearm:**

Black revolver handgun with brown wood handles and 6 rounds of ammunition.

Make: Smith and WessonCaliber: .22 LRModel: 34-1Barrel: 4 InchesSerial Number: M37231Made: USA**Property Impounded:**

See property report

Property recovery phase:

Once the warrant was approved by Judge Hafen at 1803 hours, Detective Kitchen took overall photographs of the vehicle and firearm that was still in the center console. I then obtained the DNA swab at 1815 hours from Qazi who was in custody in the back of the marked patrol unit. Once the sample was obtained, I pulled the firearm from the vehicle and had Detective Kitchen take close up photographs to show the make, model and serial number. The firearm was obtained forensically sound using a fresh pair of latex gloves to preserve DNA evidence. The firearm had six live round of .22 ammunition in the cylinder. After the firearm was recovered the vehicle was searched for any other evidence that was included in the items sought to be seized in my search warrant. There were no other items of evidentiary value found in the vehicle.

The narcotics were previously recovered by Officer Glover and were already removed from the vehicle prior to my arrival. The narcotics were recovered from Officer Glover and brought back to Headquarters where they were tested and weighed. Both the firearm and narcotics were impounded as evidence at Headquarters.

The illegal narcotics were as follows:

Marijuana:

1 small baggie weighing .7 grams gross
 1 small baggie weighing .8 grams gross
 1 medium baggie weighing 2.6 grams gross

Total gross weight = 4.1 grams gross

Methamphetamine:

1 small baggie weighing .4 grams gross
 1 small baggie weighing .4 grams gross
 1 small baggie weighing .4 grams gross

Total gross weight = 1.2 grams gross

Vehicle Disposition:

After the service of the search warrant, the Duplicate Original Search Warrant and Return were left in the passenger seat of the Saturn and photographed in place. The vehicle was then released to Qazi's girlfriend at his request. Her name is Crystal Clamenza, DOB: [REDACTED] Driver's license number [REDACTED]. I had to leave the scene, so the patrol officer handled the release of the vehicle.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**MARIJUANA****PRELIMINARY FIELD TEST CHECKLIST AND RESULTS**

Subject QAZI, OMAR		Event # 150106-2982	
ID # 1993576	Date 01.06.15	Pkg # 03	Item # 03
Examiner F. BIEL		P # 7946	Date Certified 8-2003

EXAMINER SHALL READ, PERFORM, AND CHECK EACH APPLICABLE STEP

 WEIGHT: 4.1 grams / ☐ NET ☒ GROSS (check one) Lot # 252586/2

- ☒ 1. Officer's opinion based upon circumstances of seizure and appearance of substance indicates marijuana.
- ☒ 2. Hold test kit so that writing on kit faces operator in a readable position.
- ☒ 3. Check that all three ampoules within the kit are intact.
- ☒ 4. Remove plastic clip, open kit, and insert sample using uncontaminated instrument.
- ☒ 5. Replace plastic clip, closing kit.
- ☒ 6. With the printed side of the test pack facing you, break the first (left) ampoule.
- ☒ 7. Agitate sample gently for at least one full minute.
- ☒ 8. Observe no color or slight "straw yellow" field.
- ☒ 9. Break clear middle ampoule, and agitate gently.
- ☒ 10. Observe possible initial "light flash green" color for 1-2 seconds followed by blue-violet (purple) color. If no blue-violet (purple) color after 2 minutes, stop test, go to step 15.
- ☒ 11. Break remaining clear ampoule.
- ☒ 12. Agitate sample gently until color layers separate.
- ☒ 13. Observe two levels of color, upper level gray-blue, lower level blue-violet (purple).
- ☒ 14. Result **POSITIVE** for marijuana. OR ☐ 15. Result **INCONCLUSIVE** for marijuana.

SIGNATURES

Signature

48 7946

Witness

M 6174

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
ODV FIELD TESTS FOR METHAMPHETAMINE
CHECKLISTS AND RESULTS

Subject <u>QA21, OMAK</u>		Event # <u>150106-2982</u>	
ID # <u>1993576</u>	Date <u>01-06-15</u>	Pkg # <u>04</u>	Item # <u>04</u>
Examiner <u>F. BLEN</u>		P# <u>7946</u>	Date Certified <u>8-2003</u>

EXAMINER SHALL READ, PERFORM, AND CHECK EACH APPLICABLE STEP

WEIGHT: <u>1.02</u> grams / <input type="checkbox"/> NET <input checked="" type="checkbox"/> GROSS (check one)	
MARQUIS REAGENT	METHAMPHETAMINE REAGENT
<input checked="" type="checkbox"/> 1. Lot # of Marquis Reagent <u>1674132</u>	<input checked="" type="checkbox"/> 1. Lot # of Methamphetamine Reagent <u>2529021</u>
<input checked="" type="checkbox"/> 2. The physical appearance of the evidence is consistent with illicit methamphetamine and is not a tablet, capsule, or liquid.	<input checked="" type="checkbox"/> 2. Result of Marquis Reagent indicates sample may contain methamphetamine.
<input checked="" type="checkbox"/> 3. Hold the pouch such that writing faces the operator. Backing of pouch is white.	<input checked="" type="checkbox"/> 3. Hold the pouch such that writing faces the operator. Backing of pouch is white.
<input checked="" type="checkbox"/> 4. Examine the ampule. It is intact and the liquid is colorless.	<input checked="" type="checkbox"/> 4. Examine the ampules. There are 3 intact ampules. Reading from left to right, the liquids are colorless, light tan, and colorless.
<input checked="" type="checkbox"/> 5. Remove the clip.	<input checked="" type="checkbox"/> 5. Remove the clip.
<input checked="" type="checkbox"/> 6. Insert a small amount of sample using an uncontaminated instrument.	<input checked="" type="checkbox"/> 6. Insert a small amount of sample using an uncontaminated instrument.
<input checked="" type="checkbox"/> 7. Replace the clip and tap the pouch to drive the sample to the bottom.	<input checked="" type="checkbox"/> 7. Replace the clip and tap the pouch to drive the sample to the bottom.
<input checked="" type="checkbox"/> 8. Break the ampule. Agitate pouch.	<input checked="" type="checkbox"/> 8. Break the left ampule. Agitate pouch. Break the middle ampule. Agitate pouch. Break the right ampule. Agitate pouch.
<input checked="" type="checkbox"/> 9. Observe for a color change.	<input checked="" type="checkbox"/> 9. Observe for a color change.
<input checked="" type="checkbox"/> 10. Development of an orange color that changes to brown within 12 seconds: the sample may contain methamphetamine. Proceed to Methamphetamine Reagent.	<input checked="" type="checkbox"/> 10. Immediate development of a dark blue or blue-violet color: test is positive for methamphetamine.
<input type="checkbox"/> 11. Any other color reaction: result is inconclusive for methamphetamine. Terminate testing.	<input type="checkbox"/> 11. Any other color reaction: result is inconclusive for methamphetamine.

SIGNATURES Signature <u>[Signature]</u>	Witness <u>[Signature]</u>
---	----------------------------

Page 1 of 2

Event Number: 150106-2982

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DUPLICATE ORIGINAL SEARCH WARRANT
NRS 179.045

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

The State of Nevada, to any Peace Officer in the County of Clark, Proof having been made before me by Detective F. BIEN 7946, by oral statement given under oath, that there is probable cause to believe that certain evidence, to wit:

1. Any and all firearms, to include but not limited to BLACK REVOLVER.
2. All Firearms related accessories to include but not limited to holsters, cleaning kits, gun parts, magazines, and ammunition.
3. Receipts for ammunition, firearms and firearm accessories.
- (4) EPITHELIAL CELLS FROM THE MOUTH OF OMAR
- () QAZI ID# 19935716 TO BE COLLECTED VIA BUDDAL SWAB
- () _____
- () _____
- () _____
- (5) Articles of personal property which would tend to establish the identity of persons in control of said premises or in control of specific areas within the premises where items set forth above are located such as; canceled mail envelopes, rental agreements and receipts, utility bills, vehicle registration.
- (6) Items which tend to show a possessory interest in the items sought such as photographs, undeveloped film, digital media storage devices, diaries or letters.

Are presently located at:

① GOLD 1995 SATURN SLI BEARING NV PLATE 916-ARI
WITH A UNIQUE VIN# 1G8ZH52815Z394827. THE VEHICLE
IS CURRENTLY PARKED AND UNOCCUPIED ON HARMON WEST BOULEVARD,
JUST WEST OF KOVAL, CLARK COUNTY LAS VEGAS NEVADA.

② BODY OF OMAR QAZI ID# 19935716, FURTHER DESCRIBED
AS A HISPANIC MALE, 6'2" TALL, 210 POUNDS WITH BLACK
HAIR AND BROWN EYES. QAZI IS CURRENTLY IN CUSTODY
AT HARMON WEST OF KOVAL.

Page 2 of 2

Event Number: 150106-2982

and I am satisfied that there is probable cause to believe that said property is located as set forth above and that based upon the oral statement of Detective F. BIEN 7946, that there is sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search forthwith said premises for said property, serving this warrant at (any hour of the day or night *or* between the hours of 0700 hours and 1900 hours), and if the property is there to seize it, prepare a written inventory of the property seized and make a return to me within ten days.

DATED this 10 day of JANUARY, 2014 at 5 1803 hours.

Judge's name (affixed by officer) C. HAFEN

Signed by FB / F. BIEN PH 7946, acting upon oral authorization of
Judge C. HAFEN.

Witnessed by J. GLOVER PH 13976.

Endorsed this ___ day of ___, 2014.

Judge
(TO BE AFFIXED BY JUDGE)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT

EVENT #: LLV150106002982

The following is the transcription of the recorded Application for Search Warrant between affiant, Detective Frank Bien (FB), and Judge Conrad Hafen (CH).

FB: LVMPD Event Number 150106-2982. Judge Hafen, for the record, this line is being recorded, do I have your permission to continue?

CH: Yes.

FB: This is Detective F., as in Frank, Bien, Baker-Ida-Easy-Nora, P Number 7946 of the Firearms Investigation Section, and I am making an application for a Telephonic Search Warrant pursuant to NRS 179.045. I am talking to Judge Hafen. The date is 1/6/15, and the time of this call is 1756 hours. Judge Hafen, my right hand is raised, could you please swear me in?

CH: Okay, do you swear that the facts and information you're about to present are true and correct to the best of your ability, so help you God?

FB: I do.

CH: Okay, proceed.

FB: Judge Hafen, my application is as follows. I, Detective F. Bien, P Number 7946 am employed by the Las Vegas Metropolitan Police Department and have been so employed for a period of 12 years. I am currently assigned to the Firearms Investigation Unit and I have been assigned to this detail for 2 years. I am presently investigating the crime of Own/Possess Gun by a Prohibited Person, which occurred at Harmon, just west of Koval, Las Vegas, Clark County, Nevada, on or about 1553 hours on the 6th Day of January, 2015. That there is probable cause to

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

EVENT #: LLV150106002982

believe that certain property hereinafter described will be found at the following described premises, to-wit:

1. Gold 1995 Saturn SL1, bearing Nevada plate 916-Adam-Robert-Lincoln, with a unique VIN Number 1-George-8-Zebra-Henry-5281-Sam-Zebra-394827. The vehicle is currently parked and unoccupied on Harmon westbound, just west of Koval, Clark County, Las Vegas, Nevada.
2. Body of Omar Qazi, spelled Q-A-Z-I, ID Number 1993576, further described a Hispanic male, six-foot – two inches tall, 210 pounds, with black hair and brown eyes. Qazi is currently in custody at Harmon, west of Koval.

The property referred to and sought to be seized consists of the following:

1. Any and all firearms to include, but not limited to, a black revolver.
2. All firearms-related accessories to include, but not limited to, holsters, cleaning kits, gun parts, magazines, and ammunition.
3. Receipts for ammunition, firearms, and firearm accessories.
4. Epithelial cells from the mouth of Omar Qazi, ID Number 1993576, to be obtained via buccal swab.
5. Articles of personal property which would tend to establish the identity of person in control of said premises or in control of specific areas within the premises where items set forth above are located, such as cancelled mail envelopes, rental agreements and receipts, utility bills, and vehicle registration.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

EVENT #: LLV150106002982

6. Items which would tend to show a possessory interest in the items sought, such as photographs, undeveloped film, digital media storage device, diaries, or letters.

The items sought to be seized constitute evidence which would tend to show the identity of persons responsible for the crime of Own/Possess Gun by a Prohibited Person as set forth in this affidavit. In support of the assertion to constitute the existence of probable cause, the following facts are offered. On 1/6/2015 at 1553 hours, Officer J. Glover, spelled G-L-O-V-E-R, P Number 13976, operating as marked patrol unit 7-Mary-13, was travelling west on Harmon at the 370 block. A gold Saturn bearing Nevada license plate 916-Adam-Robert-Lincoln failed to yield right of way when pulling out of a private drive, causing the officer to slam on his brakes to avoid an accident. A vehicle stop was conducted on Harmon, just west of Koval. Upon approaching the driver and sole occupant, the officer could detect an odor of marijuana emitting from the vehicle. The driver was asked to step out of the vehicle, and he was identified as Omar Qazi, ID Number 1993576 by his Nevada driver's license. A probable cause vehicle search was conducted based on the odor of marijuana. Officer Glover found marijuana, methamphetamines, and a black revolver in the center console under the ashtray. The illegal narcotics were removed; however, the firearm was left in place to preserve DNA evidence. A records check of Qazi indicated that he is a convicted felon out of Nevada in 2012 for Battery with Substantial Bodily Harm. Due to the fact that prohibited persons

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

EVENT #: LLV150106002982

such as ex-felons cannot legally purchase or sell firearms through legitimate commerce, firearms such as the above-listed sought-after items become extremely valuable possessions to prohibited persons. Prohibited subjects then tend to keep these coveted firearms for long periods of time. They also tend to collect accessories to the firearms. Items such as holsters, cleaning kits, extra magazines, ammunitions, and firearm parts are often found in the offender's property. Because of their prohibited status, offenders often keep these items close to them in their vehicle to prevent inadvertent discovery. Due to the nature of the sought items, they would be extremely valuable in proving the State's case of Prohibited Person in Possession of Firearm. Based on the above-described facts and circumstances, your affiant has probable cause to believe that his DNA may be found on the evidence. During your affiant's professional training and experience, your affiant has conducted and assisted in dozens of investigations involving firearms. During these investigations, your affiant has learned that suspects can leave DNA on items that they touch while engaging in illegal activity. Also, your affiant knows that prohibited persons such as ex-felons know not to possess firearms, and a reasonable person would believe that they would possess a firearm to engage in criminal activity. Your affiant is therefore seeking court authorization to obtain epithelial cells from the mouth of Omar Qazi, ID Number 1993576, to be collected via a buccal swab in a medically acceptable manner for further testing and analysis. Furthermore, the samples collected may be compared

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

EVENT #: LLV150106002982

with any DNA samples that may be recovered from the processing of the black revolver. In my experience, it is possible, though rare, that subjects of this search may refuse to cooperate in the manner necessary to collect the biological evidence pursuant to this warrant. I therefore request that, if necessary, I and/or other police officers may use the minimum amount of force necessary to restrain the subject and obtain the sample in the safest and most humane manner possible. Judge Hafen, this ends the probable cause details. Do you want me read to the duplicate original search warrant?

CH: No.

FB: Judge Hafen, this ends the search warrant portion. Judge Hafen, do you find probable cause exists for the issuance of a search warrant?

CH: Yes.

FB: Do I have your permission to affix your name to the duplicate search warrant?

CH: Yes.

FB: This application and signing of the search warrant was witnessed by Officer J. Glover, P Number 13976. Judge Hafen, this ends our conversation. Thank you for your time.

CH: Okay, thank you.


FB: Have a wonderful day.

CH: Alright, thanks.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

EVENT #: LLV150106002982

This transcription has been typed by Joseph Belmonte, P# 14991, on January 7th, 2015 at 1320 hours and is true and accurate.


Transcriber's Signature, P#

I, Frank Bien, P# 7946, having reviewed this transcription, affirm that it is true and correct.


Detective Signature, P#

Certification:

Having read the transcription of the recorded application for the telephonic search warrant issued by this court on January 6th, 2015, under Event 150106-2982, with Detective F. Bien as Affiant, and having reviewed the application, it appears that the transcription is accurate.

Judge's Signature

150106-2982

Page 1 of 1

RETURN

(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

① GOLD 1995 SATURN SL1, NV PLATE 916-ARL, VIN # 2G8ZH5281 399827

② BODY OF OMAR QAZI ID# 1993576, HISPANIC MALE, 6'2", 210 LBS

PRESENTLY LOCATED AT HARMON WEST OF KOVAL, LAS VEGAS, NV 89169

was executed on 01/06/15 (month, day, year)

A copy of this inventory was left with AT PLACE OF SEARCH

(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

- BUCCAL SWAB FOR OMAR QAZI ID# 1993576
- REVOLVER, SERIAL NUMBER M37231

This inventory was made by: F. BIEN PH#79946

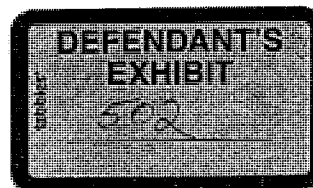
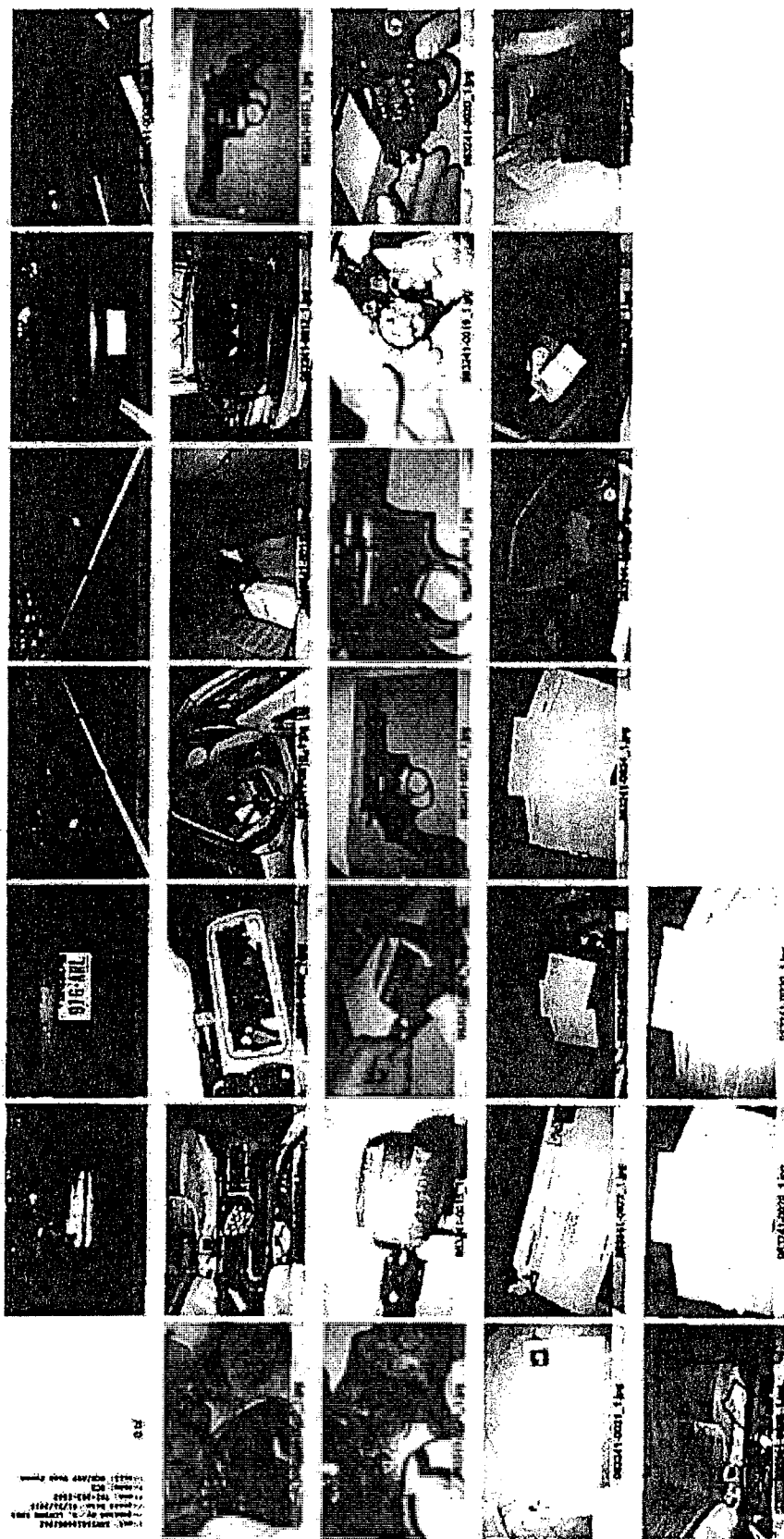
M. KITCHEN PH#6474

(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

00020684
01/21/2015

Notes:

Qazi, Omar





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Las Vegas I Field Office

2-24-15

www.atf.gov

786020:JG

ATF CASE NUMBER: 786020-15-0064

This recommendation for prosecution relates to alleged violations of the Federal Firearm laws for unlawfully possessing a firearm in Clark County, Judicial District of Nevada.

DEFENDANT

Omar QAZI

STATUTES VIOLATED:

Title 18 U.S.C. Section 922 (g)(1) – Possession of a Firearm by a Convicted Felon.

DOCUMENTS SUBMITTED IN SUPPORT OF PROSECUTION

1. ATF Report of Investigation (ROI - #1) Las Vegas Metropolitan Police Department arrest of QAZI for being a convicted felon in possession of a firearm / Interstate Nexus Report.
2. Las Vegas Metropolitan Police Department Report # 150106-2982 – Las Vegas Metropolitan Police Department arrest of QAZI for being a convicted felon in possession of a firearm and possession of 4.1 gross grams of marijuana as well as possession of 1.2 gross grams of methamphetamine.
3. Certificate of Felony Judgment of Conviction of QAZI, for felony battery with substantial bodily harm and misdemeanor battery constituting domestic violence, 11-C-273567, by the District Court of Nevada, County of Clark
4. Certificate of Misdemeanor Judgment of Conviction of QAZI, for battery domestic violence 2nd offense, 09-F-22814X, by the Justice Court of Las Vegas Nevada, County of Clark
5. Criminal History as to: QAZI
6. FBI / Las Vegas AFIS Fingerprint Report as to: QAZI



U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation: QAZI, Omar	Investigation Number: 786020-15-0064	Report Number: 1
---------------------------------------	---	---------------------

SUMMARY OF EVENT:

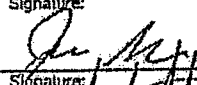


This is a Project Safe Neighborhood Investigation. On January 6, 2015, Las Vegas Metropolitan Police Department (LVMPD) arrested Omar QAZI (U/M, DOB: 11-09-87) for being a convicted felon in possession of a firearm.

NARRATIVE:

- On January 6, 2015, LVMPD conducted a traffic stop of a vehicle in which QAZI was the driver and sole occupant. As the Officer approached the vehicle he could smell the odor of marijuana coming from inside of the vehicle. The Officer conducted a search of the vehicle and located in the center console a Smith and Wesson, model 34-1, .22 caliber revolver with serial number M37231, three (3) separate baggies of marijuana for total approximate weight of 4.1 gross grams and three (3) separate baggies of methamphetamine for a total weight of approximately 1.2 gross grams. QAZI stated that he had the gun and uses it for protection. See LVMPD Police Report # 150106-2982 for further details.
- On January 16, 2015, S/A Grace requested an Interstate Nexus Determination from S/A La Russo. Based on the above description of the firearm, which was obtained per the above reference police report, S/A LaRusso determined that the firearm was not manufactured in the state of Nevada.

Attachments:

LVMPD Police Report #150106-2982

Prepared by: Jason M. Grace	Title: Special Agent, Las Vegas I Field Office	Signature: 	Date: 1-21-15
Authorized by: John E. Wester	Title: Resident Agent in Charge, Las Vegas I Field Office	Signature: 	Date: 1/23/15
Second level reviewer (optional): Joseph M. Riehl	Title: Special Agent in Charge, San Francisco Field Division	Signature: 	Date: 1/23/15

JLClient Print Output Document

Page 1 of 2

ORIG: LVM023965 LVM04889 CJIS:RQ 01/21/2015-13:38:40
 RESP: DMVI (NV0029263460) DMVI:SRQ 01/21/2015-13:38:41
 FOLLOWING IS THE NEVADA DMV RESPONSE FOR YOUR QUERY ON:
 LIC: 916ARL

*** VEHICLE INFORMATION ***

LIC: 916ARL LIY: 2015
 LIT: STANDARD STYLE: SUNSET
 REG STATUS: ACTIVE EFF DATE: 10242014
 PLATE STATUS: IN USE EXP DATE: 10242015
 VIN: 1G8ZH5281SZ394827 VYR: 1995 VMA: SATURN
 STYLE: VEH-SEDAN 4 DR BODY TYPE: VEH-SEDAN 4 DR WAXLES/SEATS: 2
 FUEL: GASOLINE WGT: 0 CYLINDER: 04 LAST TRANS DATE: 10242014

*** CURRENT REGISTERED OWNER(S) ***

NAME: QAZI, GLORIA UGARTE
 OWNER TYPE: REGISTERED SOC: DOB:
 ADDRESS: 4801 SPENCER ST APT 21 COUNTY: CLARK EFF DATE:
 CITY/STATE/ZIP: LAS VEGAS, NV 891196240

*** INSURANCE INFORMATION ***

COMPANY: INFINITY AUTO INSURANCE COMEAN POLICY NUMBER: 127700034584001
 EFF DATE: 10222014 EXP DATE: 10242015 TYPE: VEHICLE SPECIFIC
 INS VERIF ACTION: SR22 ISSUE DATE:

*** TITLE INFORMATION ***

TITLE NUMBER: NV005962282
 NAME: QAZI, GLORIA UGARTE MAIL TO:
 TITLE TYPE: REGISTERED SOC: DOB:
 ADDRESS: 4801 SPENCER ST APT 21 EFF DATE:
 CITY/STATE/ZIP: LAS VEGAS, NV 891196240

*** PERMIT INFORMATION ***

NAME: EVENT:
 START DATE: 10212014 END DATE: 10312014 # DAYS:
 CURRENT CITY/STATE: , NV
 DESTINATION CITY/STATE: , NV

*** PREVIOUS REGISTERED OWNER 1 ***

LIC: 163WRA LIY: 2013
 LIT: STANDARD STYLE: SUNSET
 REG STATUS: SURRENDERED EFF DATE: 07162013
 PLATE STATUS: RELEASED EXP DATE: 07062013
 NAME: QAZI, GLORIA UGARTE
 OWNER TYPE: REGISTERED SOC: DOB:
 ADDRESS: 4801 SPENCER ST APT 21 COUNTY: CLARK EFF DATE:
 CITY/STATE/ZIP: LAS VEGAS, NV 891196240

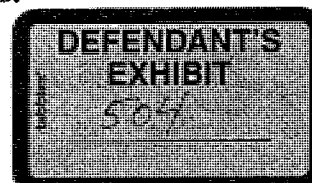
*** PREVIOUS REGISTERED OWNER 2 ***

LIC: 940WCG LIY: 2010
 LIT: STANDARD STYLE: SUNSET
 REG STATUS: SURRENDERED EFF DATE: 07062010
 PLATE STATUS: RELEASED EXP DATE: 08122010
 NAME: WAGNER, JAMES E
 OWNER TYPE: REGISTERED SOC: 549153410 DOB: 10281962
 ADDRESS: 1650 E SAHARA AVE STE 4A COUNTY: CLARK EFF DATE:
 CITY/STATE/ZIP: LAS VEGAS, NV 891043495

*** PREVIOUS REGISTERED OWNER 3 ***

LIC: 619TRB LIY: 2007
 LIT: STANDARD STYLE: SUNSET
 REG STATUS: EXPIRED EFF DATE: 06022007
 PLATE STATUS: RELEASED EXP DATE: 06022007
 NAME: HANLEY, DONALD JAMES
 OWNER TYPE: REGISTERED SOC: DOB:
 ADDRESS: PO BOX 400098 COUNTY: CLARK EFF DATE:

<https://jlclient.dps.state.nv.us/>



1/21/2015 068

JLClient Print Output Document

Page 2 of 2

CITY/STATE/ZIP: LAS VEGAS, NV 891400098

*** PREVIOUS REGISTERED OWNER 4 ***

LIC: 644GHR LIY: 2006

LIT: STANDARD

STYLE: SUNSET

REG STATUS: SURRENDERED

EFF DATE: 06022006

PLATE STATUS: RELEASED

EXP DATE: 08172006

NAME: BALLARD, BONNIE S

OWNER TYPE: REGISTERED SOC:

DOB:

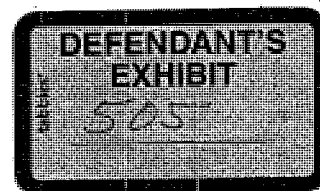
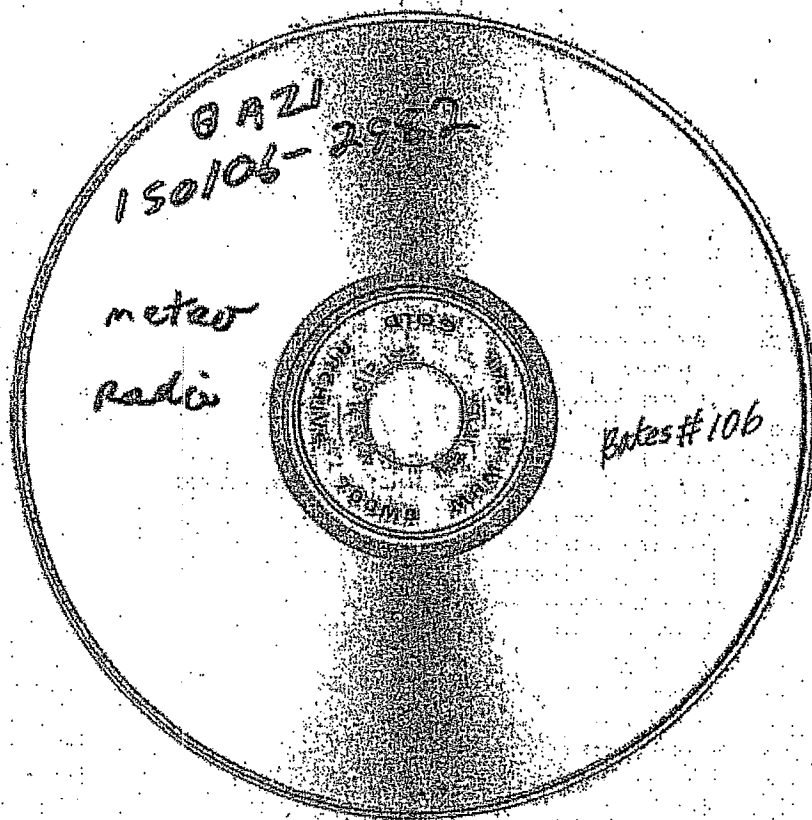
ADDRESS: 6705 STERLING SPRINGS PKWY

COUNTY: CLARK

EFF DATE:

CITY/STATE/ZIP: LAS VEGAS, NV 891080229

ORIGINAL DOCUMENT ON FILE AT
NEVADA DEPARTMENT OF MOTOR VEHICLES PER NRS 52.205(3)



COMMUNICATION CENTER
EVENT SEARCH

Q421

EVT: LV150106002982

LOC : WO

ADDR: E HARMON AVE&KOVAL LN

CADD:

MAP : 0282455

P/U : 7M13

DATE: 2015/01/06

911 : NO

TYPE: 467

BLDG:

XST :

CNAM:

S/B : M3

OFF1: 13376

INIT: 15:53:31

CLSE: 22:04:31

PRI : 6

APT :

CITY : CC

CPHONE:

SRA : K429

OFF2 :

AREA : CC

DISP : A

15:53:31	CM	Primary Event: MAIN Opened: 15/01/06 15:53	23	LV13547
15:53:31	EU	INITIATED BY FRM- TO-LV13547	23	LV13547
15:53:31	CM	Verification Bypassed Inc- LV150106002982 Addr-HARMON/WO KOVAL	23	LV13547
15:53:31	CM	Initial Traffic Stop by LV/7M13 at 15:53:31 on 15/01/06	23	LV13547
15:53:31	EU	PN FRM- TO-NV-916ARL	23	LV13547
15:53:31	USOF 7M13	467	23	LV13547
15:53:31	EU 7M13	PD FRM- TO-LV/7M13	23	LV13547
15:53:46	EU 7M13	L FRM-	23	LV13547
15:53:47	EU 7M13	AD FRM-HARMON/WO KOVAL	23	LV13547
15:59:01	USAS 3M21	E HARMON AVE&KOVAL LN 467	23	LV13547
15:59:10	CM	7M13 C4 REQ ANOTHER UNIT F/VEH SEARCH. 1559HRS	23	LV13547
16:02:21	USER 3M21	E HARMON AVE&KOVAL LN 467	00	LV10042
16:04:52	USAR 3M21	E HARMON AVE&KOVAL LN 467		
16:07:02	DO 7M13	Overdue: Operator: LV/13547 Console: 23	23	LV13547
16:11:24	CM	7M13 C4 1 IN CUST // 413 FOUND IN THE VEH 1611HRS	13	LV8358
16:38:19	USER FA2	E HARMON AVE&KOVAL LN 467	13	LV8358
16:38:29	USAR FA2	E HARMON AVE&KOVAL LN 467	23	LV13547
16:49:44	USAS 749	E HARMON AVE&KOVAL LN	00	LV255Y5
16:56:14	US 749	RD Rider Added: 4682224/CC32	00	LV255Y5
16:56:14	US 749	UU Area:CC Veh:P10189 Unit Update	00	LV255Y5
16:56:14	US 749	CU 1M MT	00	LV8903
16:56:37	USER 749	E HARMON AVE&KOVAL LN 467	23	LV8671
17:39:14	CM	7M13/C4 1738	23	LV8671
17:39:20	USAR 749	E HARMON AVE&KOVAL LN 467	00	LV8902
17:51:35	USAR 749	E HARMON AVE&KOVAL LN 467	00	LV13976
18:34:42	USTR 7M13	CCDC 467	00	LV8902
18:46:28	USCL 749	467	00	LV13976
18:49:40	USAB 7M13	CCDC 467	00	LV10042
18:51:06	USCL 3M21	467	11	LV14760
18:54:33	USAO FA2	HQ 467	11	LV14760
18:54:58	USER FA4	HQ 467	11	LV14760
18:54:58	USER FA6	HQ 467	11	LV14760
18:55:07	USAR FA4	HQ 467	11	LV14760
18:55:07	USAR FA6	HQ 467	11	LV14760
18:55:17	CM	FA2 C/4 VIA LL 1855	00	LV13976
19:03:53	USCL 7M13	467	00	LV13976
19:12:53	EU 7M13	D FRM- TO-A MAIN	11	LV9458
21:03:26	USCL FA6	467	05	LV8020
22:03:49	USCL FA2	467	23	LV5951
22:04:31	USCL FA4			
22:04:31	CM	Route Closed: MAIN		

3/18/2015 5:52:09 PM

JVMPD - COMMUNICATION CENTER
EVENT SEARCH

22:04:31 CM

Incident Closed: 15/01/06 22:04

3/18/2015 5:52:09 PM

LVMPD BI Web

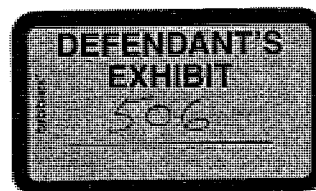
UNIT LOG BY INCIDENT # - LAS VEGAS METROPOLITAN POLICE DEPARTMENT

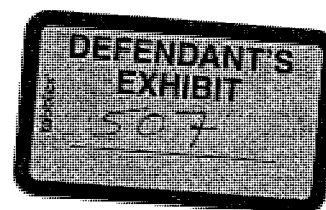
For Incident Number(s): LLV150106002982

Wednesday - Mar 18, 2015 5:53 PM
Requested by: N13042L@LVMPD_NT

Unit	Event Number	PUnit	Date	Time	Code	Type	Officer 1 # and name	Officer 2 # and name	D	Pri	Comment
7M13	LLV150106002982	7M13	01/08/2015	15:53:31	USOF	467	13976 GLOVER, JOSHUA A		A	6	HARMON/MO KOVAL
3M21	LLV150106002982	7M13	01/08/2015	15:53:01	USAS	467	10042 VOODRE, ROBERT		A	6	E HARMON AVEAKOVAL LN
3M21	LLV150106002982	7M13	01/08/2015	16:02:21	USER	467	10042 VOODRE, ROBERT		A	6	E HARMON AVEAKOVAL LN
3M21	LLV150106002982	7M13	01/08/2015	16:04:52	USAR	467	10042 VOODRE, ROBERT		A	6	E HARMON AVEAKOVAL LN
7M13	LLV150106002982	7M13	01/08/2015	16:07:02	UO	467	13976 GLOVER, JOSHUA A		A	6	Overdue: Operator: LV173567 Console: 23
FA2	LLV150106002982	7M13	01/08/2015	16:38:19	USER	467	7946 BIEN, FRANK A		A	6	E HARMON AVEAKOVAL LN
FA2	LLV150106002982	7M13	01/08/2015	16:38:29	USAR	467	7946 BIEN, FRANK A		A	6	E HARMON AVEAKOVAL LN
749	LLV150106002982	7M13	01/08/2015	16:49:44	USAS	467	8902 STEINMETZ, WILLIAM J		A	6	E HARMON AVEAKOVAL LN
749	LLV150106002982	7M13	01/08/2015	16:56:14	RD	467	8902 STEINMETZ, WILLIAM J		A	6	Rider Address: 4682224/CC32
749	LLV150106002982	7M13	01/08/2015	16:56:14	UU	467	8902 STEINMETZ, WILLIAM J		A	6	Unit Update
749	LLV150106002982	7M13	01/08/2015	16:56:14	CJ	467	8902 STEINMETZ, WILLIAM J		A	6	1M MT
749	LLV150106002982	7M13	01/08/2015	16:56:38	USER	467	8902 STEINMETZ, WILLIAM J		A	6	E HARMON AVEAKOVAL LN
749	LLV150106002982	7M13	01/08/2015	17:35:20	USAR	467	8902 STEINMETZ, WILLIAM J		A	6	E HARMON AVEAKOVAL LN
749	LLV150106002982	7M13	01/08/2015	17:51:35	USAR	467	8902 STEINMETZ, WILLIAM J		A	6	E HARMON AVEAKOVAL LN
7M13	LLV150106002982	7M13	01/08/2015	18:34:42	US78	467	13976 GLOVER, JOSHUA A		A	6	CCDC
749	LLV150106002982	7M13	01/08/2015	18:46:29	USCL	467	8902 STEINMETZ, WILLIAM J		A	6	
7M13	LLV150106002982	7M13	01/08/2015	18:46:40	USAB	467	13976 GLOVER, JOSHUA A		A	6	CCDC
3M21	LLV150106002982	7M13	01/08/2015	18:53:08	USCL	467	10042 VOODRE, ROBERT		A	6	
FA2	LLV150106002982	7M13	01/08/2015	18:54:59	USAR	467	7946 BIEN, FRANK A		A	6	HQ
FA6	LLV150106002982	7M13	01/08/2015	18:54:59	USER	467	6474 KITCHEN, MICHAEL J		A	6	HQ
FA6	LLV150106002982	7M13	01/08/2015	18:54:59	USAR	467	13422 ROTT, RYAN ALLEN		A	6	HQ
FA4	LLV150106002982	7M13	01/08/2015	18:56:07	USAR	467	6474 KITCHEN, MICHAEL J		A	6	HQ
FA6	LLV150106002982	7M13	01/08/2015	18:56:07	USAR	467	13422 ROTT, RYAN ALLEN		A	6	HQ
7M13	LLV150106002982	7M13	01/08/2015	19:33:54	USCL	467	13976 GLOVER, JOSHUA A		A	6	
7M13	LLV150106002982	7M13	01/08/2015	19:33:54	D	467	13976 GLOVER, JOSHUA A		A	6	
FA6	LLV150106002982	7M13	01/08/2015	21:03:27	USCL	467	13422 ROTT, RYAN ALLEN		A	6	
FA2	LLV150106002982	7M13	01/08/2015	22:03:49	USCL	467	7946 BIEN, FRANK A		A	6	
FA4	LLV150106002982	7M13	01/08/2015	22:04:31	USCL	467	6474 KITCHEN, MICHAEL J		A	6	

End of Unit Log for Incident Number: LLV150106002982





1 CASE NO.: C-15-307496-1

2 DEPT NO.: 2

3

4 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

5 COUNTY OF CLARK, STATE OF NEVADA

Electronically Filed
07/12/2015 12:03:01 PM

6 -oOo-

7 STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 OMAR QAZI,)

11 Defendant.)

Case No. 15F00233X

Alvin D. Lamm
CLERK OF THE COURT

12

13

14 REPORTER'S TRANSCRIPT OF

15 PRELIMINARY HEARING

16 BEFORE THE HONORABLE JOSEPH S. SCISCENTO
17 JUSTICE OF THE PEACE

17

18 TUESDAY, JUNE 23, 2015

19

APPEARANCES

20

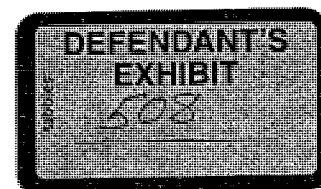
21 For the State: JONATHAN COOPER, ESQ.
Deputy District Attorney

22

23 For the Defendant: OMAR QAZI, Pro Se

24 Also Present: Jennifer Waldo, Esq.

25 Reported By: Jennifer O'Neill, CCR No. 763



1

000113

1	<u>W I T N E S S E S</u>	
2		PAGE
3		
4	<u>STATE'S</u>	
5	JOSHUA GLOVER	
6	Direct Examination by Mr. Cooper	11
7	Cross-Examination by Mr. Qazi	19
8	FRANK BIEN	
9	Direct Examination by Mr. Cooper	40
10	Cross-Examination by Mr. Qazi	54
11	Redirect Examination by Mr. Cooper	71
12	<u>DEFENSE'S</u>	
13	GLORIA QAZI	
14	Direct Examination by Mr. Qazi	72
15	Cross-Examination by Mr. Cooper	80
16	* * * * *	
17		
18	<u>E X H I B I T S</u>	
19	Marked	Admitted
20	<u>STATE'S</u>	
21	Exhibit 1	40
22	Exhibit 2	48
23	Exhibit 3	48
24	-oOo-	
25		

1 LAS VEGAS, NEVADA; JUNE 23, 2015; 9:00 A.M.

2 -oOo-

3

4 THE COURT: Omar Wasim Qazi, 15F00233X.

5 MR. QAZI: Yes, sir.

6 THE COURT: Mr. Qazi is present in custody.

7 What do we got?

8 MR. COOPER: Your Honor, can we just trail
9 this matter briefly?

10 THE COURT: All right. Have a seat, sir.

11 We'll get back to you in a few minutes.

12 Are you standby?

13 MS. WALDO: I'm standby, Your Honor.

14 (Whereupon, other matters were heard.)

15 THE COURT: Omar Qazi, 15F00233X. This is
16 the time set for the preliminary hearing.

17 State, are you ready to proceed?

18 MR. COOPER: Yes, Your Honor.

19 THE COURT: Mr. Qazi, are you ready to
20 proceed?

21 MR. QAZI: Yes, sir.

22 THE COURT: Do you have a piece of paper over
23 there and a pencil to work with?

24 MS. WALDO: Yes, Your Honor.

25 MR. QAZI: Yes, Your Honor.

1 THE COURT: How many witnesses do we have on
2 this matter?

3 MS. WALDO: I believe two, Your Honor.

4 THE COURT: Counsel, you're standby. You're
5 to say nothing.

6 MR. COOPER: Your Honor --

7 THE COURT: You're standby. You have to sit
8 behind him.

9 MS. WALDO: What?

10 MR. COOPER: And, Your Honor, the only other
11 thing I would say is I do have two lay witnesses
12 outside on my Cook matter. Obviously, if the Court
13 wants to go with this one first, I'm ready to go on
14 this one. They're two lay witnesses versus two police
15 officers. Whatever the Court's preference.

16 THE COURT: Hopefully we'll be quick on this
17 matter.

18 MR. COOPER: It should be quick, hopefully.

19 THE COURT: On the Qazi matter?

20 MR. COOPER: It should be quick.

21 THE COURT: Mr. Qazi, do you have any
22 witnesses you're going to be calling at this time?

23 MR. QAZI: My mother, if I can.

24 THE COURT: Okay. She's here. Then what
25 we're going to need to do, ma'am, I need you to wait

1 outside, because you're going to be called as a
2 witness, so you cannot be here during the testimony.
3 Do you understand?

4 Offer of proof, sir. What's she going to be
5 testifying to about today?

6 MR. QAZI: I'm sorry?

7 THE COURT: What's she going to be testifying
8 to about?

9 MR. QAZI: About the car, the shape of the
10 car, how it was -- if it was intact or not, and
11 basically about her vehicle.

12 THE COURT: Her vehicle?

13 MR. QAZI: Yes.

14 THE COURT: Okay. State, I'm going to --
15 we'll allow that witness to come in, I guess.

16 Anything further before we proceed?

17 MR. COOPER: Nothing from the State, Your
18 Honor.

19 THE COURT: Mr. Qazi, no? All right.
20 Anybody who's a witness or potential witness, please
21 wait outside. Do not discuss your testimony with any
22 other witnesses.

23 State, your first witness will be?

24 MR. COOPER: The State's first witness is
25 Officer Glover.

1 THE COURT: Glover?

2 MR. QAZI: Sir, sir --

3 THE COURT: Officer Glover.

4 MR. QAZI: -- am I going to be cuffed like
5 this the whole time?

6 THE COURT: Unfortunately, because you're a
7 federal prisoner, we have certain restrictions that we
8 cannot override. So you're going to have to as best as
9 you can -- that's the way -- I don't know if we can
10 release a hand on that.

11 MR. QAZI: I'm being prejudiced, you know, by
12 not being able to correctly make notes.

13 MR. COOPER: I think he can write, Your
14 Honor. I've seen other inmates write in belly chains.

15 MR. QAZI: You know, I'm going to also be
16 cross-examining as well.

17 THE COURT: You cross-examine from that seat.
18 I don't know if we can give him additional --

19 THE CORRECTIONS OFFICER: I can loosen it up
20 for him.

21 THE COURT: If you can loosen it up a little.

22 THE CORRECTIONS OFFICER: Stand up for me.

23 THE COURT: Does that give you a little more
24 space and ability to -- understand, sir, that because
25 you're in federal custody, we have certain restrictions

1 that they must follow. I understand it may be a little
2 restrictive for you to write, but you do have the
3 ability to write. We have provided you with a -- did
4 we give him a yellow pad?

5 THE MARSHAL: Yes, sir.

6 THE COURT: You have a yellow pad. That is
7 your work product, sir. That's your attorney -- that's
8 your stuff. They will not be able to review that.

9 Do you understand?

10 MR. QAZI: Okay.

11 THE COURT: They are notes that you've taken.
12 They're like attorney notes. They cannot be reviewed.

13 MR. QAZI: Can I ask a question of the Court?

14 THE COURT: Yes.

15 MR. QAZI: We are on the record, right?

16 THE COURT: Sir, please rise. Yes.

17 MR. QAZI: Okay. Well, prior to coming here,
18 when I was in federal custody and when they transferred
19 me over here to State, I had a manila envelope with all
20 my documents and paperwork, and I was not able to bring
21 it with me. So I just want, you know -- and it was not
22 on my behalf, the error. It was on their fault, on the
23 State officers bringing me here. So I would like the
24 Court to know that that hinders me from doing a proper
25 defense.

1 THE COURT: It probably does. And,
2 unfortunately, you know -- and I've explained this to
3 you, and the frustration that I feel is why anybody in
4 their right mind would ever try to represent themselves
5 makes no sense to me --

6 MR. QAZI: That's not -- that is beside the
7 issue.

8 THE COURT: -- especially when there are
9 people that are seasoned in this. But that being said,
10 I cannot order a federal magistrate or federal court or
11 federal detention center to do anything other than to
12 produce you.

13 MR. QAZI: I'm just letting you know that I'm
14 being deprived of my constitutional rights. From the
15 very beginning, all my due process and my
16 constitutional rights have been violated, and I want
17 this Court to take judicial notice of that.

18 THE COURT: All right. Will do.

19 MR. COOPER: And, Your Honor, that's
20 something, in my opinion, that judicial notice can't be
21 taken of, but ...

22 THE COURT: I'm taking notice of the fact
23 that his books or his documents that he had were not
24 provided to him --

25 MR. COOPER: And, Your Honor --

1 THE COURT: -- in transport.

2 MR. COOPER: -- the problem is the State
3 doesn't -- I don't know if he ever had any notes. I
4 have no idea.

5 THE COURT: I know. As I explained, I can't
6 force the federal government to release any documents.
7 And that's the problem that I can't tell them to
8 order -- if it was State court, I could order them to
9 release the documents here, so that you could review
10 them. All right. So that's a restriction that we have
11 to run up against because of his representation.

12 MR. QAZI: And the chief at the federal
13 institution also allowed me to bring a CD disk
14 recording, but due to the fact that the door was not
15 able to open, they were not able to get the disk, also.
16 And that's on file, too, that I can verify that, you
17 know, which is also, you know, stopping me from
18 presenting a defense. You know, and also legal copies.
19 I had all types of issues, but ...

20 THE COURT: But you want to go forward on
21 your right to have a prelim within 15 days?

22 MR. QAZI: I do want to go forward. I want
23 this hearing as my offer of proof.

24 THE COURT: You know, this is -- and it's
25 just frustrating, because all of this stuff I could

1 have told you was going to occur, in the sense of
2 you're going to run up on roadblocks on this. But you
3 wanted to invoke the right to have a prelim within 15
4 days, because there had been enough delays, even though
5 I had urged you at least to get a continuance so you
6 can get all of this stuff in order.

7 MR. QAZI: See, the thing is, it's been
8 continued.

9 THE COURT: That being said, you've made that
10 decision. That's your rights, and so we're going to go
11 forward today.

12 MR. QAZI: Your Honor, it's been continued
13 three or four times. And also is there --

14 THE COURT: You did not want it continued.

15 MR. QAZI: Is there any affidavits or
16 declarations that show the reasons that it was
17 continued that I can have a copy of?

18 THE COURT: They're probably on record. I
19 don't know what was -- I don't know. They're probably
20 on record, the transcripts or something like that.
21 We're here today. We're going forward on the prelim.

22 MR. QAZI: All right.

23 THE COURT: State, your first witness.

24 MR. COOPER: Yes, Your Honor. The State's
25 first witness is Officer Glover.

1 THE COURT: Officer, please stand up. Raise
2 your right hand. Face the clerk, to be sworn.
3 Whereupon,

4 JOSHUA GLOVER,
5 was called as a witness, and having been first duly
6 sworn, was examined and testified as follows:

7 THE CLERK: Please be seated. If you can say
8 and spell your first and last name.

9 THE WITNESS: Joshua Glover. J-O-S-H-U-A
10 G-L-O-V-E-R.

11 THE COURT: State, you may proceed.

12 MR. COOPER: And, Your Honor, permission to
13 approach the witness really quick. I'm just giving him
14 his subpoena, so when he leaves, I don't forget it.

15 THE COURT: Yes.

16

17 DIRECT EXAMINATION

18 BY MR. COOPER:

19 Q. Mr. Glover, how are you currently employed?

20 A. With the Las Vegas Metropolitan Police
21 Department, as a police --

22 Q. And how long have you been employed in that
23 capacity?

24 A. Just over six years.

25 Q. Now, specifically, in your capacity as a

1 Las Vegas Metropolitan Police Department officer, do
2 you conduct traffic stops?

3 A. Yes, I do.

4 Q. I want to turn your attention to January 6th
5 of 2015.

6 Do you recall this day?

7 A. Yes, I do.

8 Q. And specifically, on this day were you
9 working?

10 A. Yes, I was.

11 Q. What shift did you work on January 6, 2015?

12 A. Swing shift.

13 Q. And what time does swing shift start?

14 A. 1500 hours, which was 3:00 p.m.

15 Q. Now, specifically, in the early portion of
16 your shift, do you recall responding or conducting any
17 type of traffic stop?

18 A. Yes, I do.

19 Q. And was that on a gold Saturn?

20 A. Yes, it was.

21 Q. Briefly describe for the Court the nature and
22 the reason you conducted that traffic stop.

23 A. I was driving westbound on Harmon towards
24 Koval. And as I was approaching Harbor Island
25 Apartments, which is 370 East Harmon, a gold Saturn

1 pulled out from the driveway, from one of the east
2 driveways -- there's two -- without stopping, without
3 yielding, and I had to apply my brakes swiftly and
4 quickly to avoid colliding with his rear end.

5 Q. Now, at some point did you get an occasion to
6 pull the vehicle over?

7 A. Yes.

8 Q. And when you pulled that vehicle over, do you
9 recognize anyone in court here today that was also
10 present in that vehicle?

11 A. Yes, I do.

12 Q. And may you just describe something he's
13 wearing.

14 A. Yellow shirt.

15 MR. COOPER: May the record reflect the
16 witness has identified the defendant?

17 THE COURT: It shall.

18 BY MR. COOPER:

19 Q. Now, was there anyone else in the vehicle
20 when you pulled it over?

21 A. No, there was not.

22 Q. Now, describe this vehicle. Was it a
23 two-door or a four-door, if you remember?

24 A. I don't recall.

25 Q. Okay. But it was a gold Saturn?

1 A. Correct.

2 Q. And are you aware if it had Nevada plate
3 916ARL?

4 A. I believe that's correct.

5 Q. When you pulled the vehicle over, what's the
6 first thing you noticed regarding the vehicle?

7 A. As I approached the driver window, he didn't
8 roll it down all the way, and for safety reasons I
9 always have all drivers of vehicles roll all their
10 windows down. As he rolled the window down completely,
11 I smelled a faint odor of marijuana.

12 Q. And was that based on your training and
13 experience?

14 A. That's correct.

15 Q. As a police officer, do you have to have
16 adequate training in order to actually be in the field
17 as a police officer?

18 A. Yes, you do.

19 Q. Do you have to go through a police academy?

20 A. Yes.

21 Q. Do you have to go through field training?

22 A. Yes.

23 Q. Do you have refresher courses as well, in
24 terms of investigations, as well as officer safety
25 issues?

1 A. Yes.

2 Q. And during all this training, were you taught
3 or trained what the smell of marijuana actually smells
4 like?

5 A. Yes, I was.

6 Q. And was the smell coming from his vehicle
7 identifiable to you, based on your training and
8 experience, as marijuana?

9 A. Yes, it was.

10 Q. What did you do as a result of that smell?

11 A. I had the driver exit the vehicle and
12 conducted a probable cause search of the vehicle.

13 Q. Where was the defendant at when you were
14 searching the vehicle?

15 A. He was at the front of my patrol vehicle.

16 Q. And when you searched the vehicle, describe
17 for the Court how you go through your search.

18 A. It's very methodical. I start with the
19 driver's area, the driver's door, the seat area, under
20 the seat, the dash steering column.

21 Q. And during the search, were you searching for
22 marijuana?

23 A. I was searching for marijuana, yes.

24 Q. Did you find anything related to marijuana or
25 any other criminal activity during your search for

1 marijuana?

2 A. Yes, I did.

3 Q. What did you locate?

4 A. I noticed the center console cup holder was
5 loose. I pulled it out and saw a bag -- a clear bag
6 with a green, leafy substance that I knew to be
7 marijuana.

8 Q. At some point did you decide to remove that
9 marijuana from the area?

10 A. Yes, I did.

11 Q. And when you removed it, did you see anything
12 else of evidentiary value?

13 A. Yes. I saw a black revolver, firearm.

14 Q. As soon as you removed the marijuana, was
15 that black revolver just readily apparent at that
16 point?

17 A. Yes, it was.

18 Q. Did you see any other drugs or drug-related
19 items in the vehicle as well?

20 A. In the same bag that the marijuana was in,
21 there was also smaller baggies with a crystal-like
22 substance that I knew most likely to be
23 methamphetamine.

24 Q. And you said when you stopped the vehicle, it
25 smelled like marijuana to you.

1 Was that the smell of burnt marijuana, like
2 someone had smoked marijuana in the vehicle, or was it
3 just the smell of fresh marijuana, if you can even tell
4 the difference between the two?

5 A. You can't really tell the difference between
6 the two.

7 Q. But it was readily apparent when you opened
8 the vehicle -- I mean, when you rolled down that
9 window -- or he rolled down the window?

10 A. Yes.

11 Q. Where were you, approximately, when you
12 pulled this vehicle over? I think you said the Harbor
13 Island Apartments.

14 A. Well, when I conducted the traffic stop, we
15 were actually still on Harmon, but just west of Koval.

16 Q. And is that located here in Clark County,
17 Nevada?

18 A. Yes, it is.

19 MR. COOPER: Court's indulgence.

20 BY MR. COOPER:

21 Q. Now, when you actually had an occasion to see
22 that firearm in the -- it was under the cup holder?

23 A. Correct.

24 Q. What did you do next?

25 A. I immediately notified firearms detectives.

1 Q. And did firearms detectives actually respond?

2 A. Yes, they did.

3 Q. Did you leave that firearm there for them to
4 respond?

5 A. Yes.

6 MR. COOPER: No further questions of this
7 witness, Your Honor.

8 THE COURT: For the record, Mr. Qazi, we do
9 have standby counsel. I believe Miss Waldo. She's
10 sitting behind you in this matter. Standby counsel
11 basically is not supposed to provide any information or
12 advice, but I usually have them sit behind. I'm going
13 to ask, Miss Waldo -- if you have any objection -- sit
14 next to Mr. Qazi, so you can give him any assistance.

15 MR. QAZI: I'm sorry?

16 MS. WALDO: No, Your Honor.

17 THE COURT: I'm going to have her sit next to
18 you. I want to make sure if you do have a question,
19 you can at least consult her. All right. Even though
20 she's standby counsel.

21 Do you understand?

22 MR. QAZI: Okay.

23 THE COURT: She's not there for your advice.
24 You're supposed to be able to do this on your own.

25 MR. QAZI: I understand.

1 THE COURT: But I do want you to have the
2 ability, if you do have a question or two, at least she
3 can be there to maybe answer that question.

4 MR. QAZI: Okay.

5 THE COURT: You can sit down, if you want to.
6 You can stand up. You may begin the cross-examination,
7 sir.

8

9 CROSS-EXAMINATION

10 BY MR. QAZI:

11 Q. Officer Glover --

12 A. Yes.

13 Q. -- is your name?

14 A. Yes.

15 Q. All right. So you've been with the
16 department six years, Las Vegas Metro Police
17 Department?

18 A. Correct.

19 Q. All right. And you said you started your
20 swing shift at about 1500 hours?

21 A. That's correct.

22 Q. Okay. Now, when you -- you said that I --
23 when I was pulling out of the Harbor Island Apartments
24 that I did not come to a complete stop?

25 A. Correct.

1 Q. And that I just went in front of your
2 vehicle?

3 A. Correct.

4 Q. Okay. And the failure to yield, is that the
5 traffic violation?

6 A. Yes. I believe it's failure to yield --

7 Q. Right-of-way?

8 A. Yeah.

9 -- right-of-way from a private drive.

10 Q. Okay. Now, would the dash camera from your
11 patrol vehicle show that?

12 A. I don't have a dash camera.

13 Q. Your patrol vehicle doesn't have a dash
14 camera?

15 MR. COOPER: Objection, Your Honor. Asked
16 and answered.

17 THE COURT: I'll let him ask it again. I
18 think he's confirming.

19 THE WITNESS: No, it does not have a dash
20 camera.

21 BY MR. QAZI:

22 Q. Has it ever had a dash camera?

23 A. No, it has not. Not that I'm aware of.

24 Q. Can your inventory list of the equipment in
25 the vehicle show that?

1 THE COURT: Do you understand the question?

2 THE WITNESS: From the time that I've been
3 assigned that patrol vehicle, it did not have a dash
4 camera.

5 BY MR. QAZI:

6 Q. And how long were you assigned that patrol
7 vehicle?

8 A. I don't recall.

9 Q. You don't recall. Okay.

10 THE COURT: Let me stop you there.

11 Were you wearing any body cameras that day?

12 THE WITNESS: No, I was not.

13 THE COURT: All right. Were there any
14 recordings that day --

15 THE WITNESS: The officer --

16 THE COURT: -- which would show the stop?

17 THE WITNESS: No.

18 THE COURT: Or the violation? That being the
19 right to -- failure to yield.

20 THE WITNESS: No.

21 THE COURT: I'm sorry, Mr. Qazi. You may
22 proceed.

23 MR. QAZI: I may ask for a subpoena to the
24 Harbor Island Apartments.

25 THE COURT: You have every right to do so,

1 yes.

2 BY MR. QAZI:

3 Q. Was there a reason that it took you from the
4 Harbor Island all the way till the traffic light to hit
5 your emergency lights?

6 MR. COOPER: Objection, Your Honor. That's
7 actually -- it's going to be asking for -- it's -- I
8 forgot my exact wording. Assuming facts not in
9 evidence.

10 MR. QAZI: Well, I'm asking the reasonable
11 suspicion on --

12 MR. COOPER: It's assuming facts not in
13 evidence. There's no evidence.

14 THE COURT: Well, I think he can -- he knows
15 if they -- when they stopped. I'll allow it. I think
16 it does go for some investigative --

17 MR. COOPER: Your Honor, the only problem is
18 what's in his head is not evidence. The only evidence
19 that came out is --

20 THE COURT: In this, why he didn't do it.

21 MR. COOPER: I'm sorry, Your Honor. My
22 understanding of the question was: Why did it take you
23 till the traffic light to turn your lights and sirens
24 on? But that was never -- no facts have ever been
25 elicited that it took him till the traffic light for

1 him to turn his lights on. So he's assuming facts not
2 in evidence. He may say it didn't take me to the
3 light. I don't know what he's going to say. But
4 that's assuming facts not in evidence. He has to
5 rephrase the question.

6 THE COURT: Let's establish, then, how long
7 it took from the time of the violation -- the alleged
8 violation, where you came out of the driveway, to the
9 time that the lights came on. How far was that? Was
10 it to the light?

11 THE WITNESS: It very well could have been.
12 I don't recall when I activated my lights and siren.

13 THE COURT: You activated them immediately
14 upon seeing the violation?

15 THE WITNESS: I don't believe I did.

16 THE COURT: Okay. How long from the time
17 that you saw the alleged violation that you testified
18 to, to the time that you turned the lights on? How
19 long was that?

20 THE WITNESS: Do you want distance or time?

21 THE COURT: Either one you can give me.

22 THE WITNESS: Okay. Maybe ten seconds. Ten,
23 15 seconds.

24 THE COURT: And you were traveling in the
25 vehicle at that time?

1 THE WITNESS: Correct.

2 THE COURT: Going the posted speed limit?

3 THE WITNESS: Correct.

4 THE COURT: Which would have been at 25 miles
5 an hour in a residential?

6 THE WITNESS: Thirty-five, I believe.

7 THE COURT: So you're going 35 for ten
8 seconds. Ten seconds from the time of the initial to
9 the time of the -- initiating the lights at 35 miles an
10 hour?

11 THE WITNESS: Correct.

12 THE COURT: Okay. Mr. Qazi, you may proceed.

13 BY MR. QAZI:

14 Q. So you were at 35 miles an hour. Did it --
15 when you hit your brakes, did it cause you to screech
16 the tires, or?

17 A. I don't believe my tires screeched, no, but I
18 did have to apply my brakes quickly.

19 Q. And how far of a distance would you say,
20 approximately, I was from -- when I pulled in front of
21 you?

22 A. I don't recall.

23 Q. A two- or three-second gap, or?

24 A. How far was I?

25 Q. How far -- was it like a one-second gap?

1 Like, I was just right in front you? Was it three or
2 four seconds?

3 THE COURT: I think more distance than time.

4 MR. QAZI: Yeah. As far as like a car
5 distance, as far as how far past --

6 THE COURT: Instead of counting the time
7 out -- from the time between that -- the distance --

8 THE WITNESS: Possibly one car length.

9 THE COURT: So what would you agree is one
10 car length? 20 feet?

11 THE WITNESS: 20 feet. Sure.

12 BY MR. QAZI:

13 Q. 20 feet. Okay.

14 THE COURT: State, I don't know if you would
15 agree with that too.

16 MR. COOPER: It doesn't matter to me.

17 BY MR. QAZI:

18 Q. Once I was -- once you conducted the traffic
19 stop, do you recall going to the passenger's side at
20 all?

21 A. I believe at a certain point I did approach
22 the passenger's side.

23 Q. Was that the first time or the second time?

24 A. I don't recall, because I know I approached
25 your vehicle more than once.

1 Q. And were the other windows down?

2 A. I don't recall.

3 Q. When you first came and, you know, asked my
4 travel destinations, you know, about the traffic
5 violation, and such, right?

6 A. Correct.

7 Q. Then after I gave you my ID, registration,
8 insurance, you went back to your patrol vehicle; is
9 that correct?

10 A. That sounds right.

11 Q. Is that when you did a criminal search of --
12 a record search on my name, or?

13 A. I would have, yeah.

14 Q. And then when you came back the second time,
15 that's when you ordered me out of the vehicle; is that
16 correct?

17 A. Yes.

18 Q. Okay. So what was the reason for having me
19 step out of the vehicle?

20 A. Again, I smelled an odor of marijuana coming
21 from your vehicle. I believe when I looked at your
22 records search, I saw that you were a convicted person,
23 so I asked you to step out of the vehicle.

24 Q. Did you smell it on the first approach or the
25 second approach?

1 A. The first approach.

2 Q. The first approach?

3 A. Yeah.

4 Q. How come it was never mentioned to me, your
5 partner, or dispatch or anything?

6 MR. COOPER: Objection, Your Honor. Assuming
7 facts not in evidence.

8 THE COURT: Well, what was not? The first --

9 MR. QAZI: The alleged smell of marijuana.

10 MR. COOPER: Your Honor, his question was how
11 come you did not mention it to dispatch. He has no
12 knowledge of how he -- whether or not he had mentioned
13 it to dispatch.

14 MR. QAZI: I have --

15 THE COURT: Hold on.

16 MR. QAZI: -- Metro radio recordings. I do
17 have all of them.

18 THE COURT: Well, then you can ask him
19 specifically, You never mentioned this. You never told
20 dispatch --

21 MR. QAZI: Let me rephrase.

22 BY MR. QAZI:

23 Q. Did you mention any smell of marijuana to
24 your partner, me, or to dispatch?

25 THE COURT: Let me stop you. It's a compound

1 question. One at a time. Relevancy and --

2 BY MR. QAZI:

3 Q. Did you tell anyone about the --

4 THE COURT: -- primacy and relevancy.

5 BY MR. QAZI:

6 Q. -- smell of marijuana to myself?

7 A. Did I tell you that I told anybody?

8 Q. No. Did you ask me about the smell at any
9 time?

10 A. No, I did not.

11 Q. Did you ask any time to your partner that
12 showed up?

13 A. I don't recall. I may have.

14 Q. Okay. Did you mention it over to dispatch?

15 A. No, I don't believe I did.

16 Q. Okay. Now, was there a reason that you felt
17 maybe I was armed and dangerous, that you did a
18 pat-down search?

19 A. Yes. Coming from 370 East Harmon, I've had
20 several violent calls for service there. It's a high
21 crime and drug area. Your record showed that you were
22 a convicted person for a violent felony crime, and you
23 appeared to be a little bit nervous when you came out
24 of the vehicle. So, yes, I did conduct a pat-down for
25 weapons.

1 Q. Okay. Well, so based on my past record?

2 MR. COOPER: Objection, Your Honor.

3 Mischaracterization of the testimony.

4 THE COURT: I think that was one of the
5 criteria. So I'll allow the question to stand.

6 It was a criteria you used, correct?

7 THE WITNESS: Correct.

8 THE COURT: All right. Do you understand
9 that was the question. One of the criteria he
10 mentioned was your past record.

11 BY MR. QAZI:

12 Q. Okay. And that it was a high crime area?

13 A. Yes.

14 Q. Okay. Now, on completing the pat-down, was
15 there any -- anything showing that there was a weapon
16 on my body?

17 A. I don't believe so.

18 Q. Was that a justified reason for you to go in
19 my pocket and take crystal gemstones and the shark
20 tooth out of my pocket?

21 MR. COOPER: Objection, Your Honor. First
22 off, assuming facts not in evidence. Second off, it's
23 argumentative. And third off, there would be
24 relevance, Your Honor. Obviously, he's not testified
25 to anything related to anything about crystal

1 gemstones, nor do we know --

2 MR. QAZI: Well, the gemstone is in the body
3 camera.

4 THE COURT: Let him finish, and then we'll go
5 from there.

6 MR. COOPER: Nor do we know if crystal
7 gemstones ever existed. So it would be relevance,
8 because that has nothing to do with the charges here.
9 It would be -- it would go straight to assuming facts
10 not in evidence, because there's been no evidence
11 presented that he ever took any gemstones. And those
12 would be my two objections.

13 THE COURT: All right. Your response --

14 MR. QAZI: I have the body camera.

15 THE COURT: -- to the objection? What is the
16 relevancy of him reaching in your pocket?

17 MR. QAZI: The relevancy is I have the body
18 cam footage showing that the crystal gemstones that he
19 removed from my pocket and the shark tooth was put on
20 the hood of his car. And for that reason, I am asking
21 what was the justification on going into the pocket to
22 remove the gemstones that were shown on the video.

23 MR. COOPER: Your Honor, that's not relevant.
24 He hasn't stated anything relevant. He just wants to
25 ask a question that has nothing to do --

1 MR. QAZI: It's relevant to the case, because
2 it's in the footage.

3 MR. COOPER: He obviously doesn't understand
4 what relevance is.

5 THE COURT: Well, the problem is this:
6 There's a search of the person and the body which
7 doesn't provide any contraband, correct? You searched
8 Mr. Qazi.

9 THE WITNESS: Do you want me to address the
10 crystal stones?

11 THE COURT: Well, that search, there was
12 nothing produced?

13 THE WITNESS: Correct.

14 THE COURT: You stopped him initially for
15 a -- you stopped him. You brought him out of the car
16 for a pat-down for weapons.

17 THE WITNESS: Correct.

18 THE COURT: And then Mr. Qazi indicated that
19 you reached into his pocket and pulled out a crystal
20 and a shark tooth?

21 MR. QAZI: Three crystal gemstones and a
22 shark tooth.

23 THE COURT: Is that correct?

24 THE WITNESS: Yes.

25 THE COURT: All right. He's answered the

1 question. Anything further you want to go forward with
2 that?

3 BY MR. QAZI:

4 Q. What was the reason for reaching into the
5 pocket to grab the crystal gemstones?

6 MR. COOPER: Objection, Your Honor.
7 Relevance.

8 THE COURT: I'm going to allow the question
9 to stand. It's somewhat of a search, but I don't know
10 if anything came of the search.

11 THE WITNESS: If during a pat-down through
12 plain feel I determine that something may be
13 contraband, other than a weapon that's readily
14 identifiable, I can retrieve that item.

15 You contained in your right front coin pocket
16 those crystal gems, which, again, due to my training
17 and experience, I have come into contact with people
18 that carry illegal narcotics, such as methamphetamine,
19 which is a crystal-like substance, in their right front
20 coin pocket.

21 During my pat-down I felt the small rock-like
22 substances in your coin pocket. And I believe I told
23 you this, and I removed them, and they were crystals.
24 And then you explained that they were not crystal meth.
25 It was --

1 BY MR. QAZI:

2 Q. Gemstones?

3 A. Gemstones, correct.

4 THE COURT: Does that answer the question,
5 sir?

6 MR. QAZI: Yes. I don't believe that's a
7 justified reason, because I believe --

8 MR. COOPER: Objection. Argumentative.

9 THE COURT: That's argumentative. I
10 understand where you're going with this, and I gave you
11 some leeway to establish the stop and any further
12 violation, if there was.

13 So that being said, then, the next issue is
14 then the search of the vehicle.

15 BY MR. QAZI:

16 Q. Okay. So it's proper procedure to go into
17 pockets if you feel that it's other related to weapons?

18 MR. COOPER: Objection, Your Honor. First
19 off, calls for relevance. Nothing was ever found in
20 his pockets. So that's relevance. Second --

21 MR. QAZI: It was found --

22 THE COURT: You're asking for a legal
23 conclusion on this matter.

24 MR. COOPER: Exactly.

25 THE COURT: What you want to do is focus on

1 the facts of what occurs and ask him and set him on his
2 statement of what he did. Then later on, you then
3 attack the -- based on the facts he stated, on legal
4 conclusion -- you file motions, basically, based on
5 what he says, based on legal theory.

6 MR. COOPER: And, Your Honor, obviously, I
7 understand that he's not, I guess -- he hasn't been to
8 law school, but the State would lodge an objection,
9 obviously. I think at this point he's going outside
10 the scope of exactly what he can cross-examine on,
11 first.

12 Second off, obviously, the Court is giving
13 him a lot of leeway and also giving him advice. I
14 think he should be treated just like any other
15 attorney.

16 THE COURT: I understand. I've given you
17 some leeway on establishing the search of the person.

18 MR. QAZI: I understand.

19 THE COURT: And I think you've set forth some
20 information.

21 MR. QAZI: The reason I'm bringing all these
22 issues up is because it's what's included into the
23 whole events.

24 THE COURT: I understand. And so I think you
25 have established the search and you've got the facts

1 out there.

2 BY MR. QAZI:

3 Q. So after putting that on the hood of the car,
4 the gemstones, that's when you immediately handcuffed
5 me; is that correct?

6 A. I believe I handcuffed you when I felt the
7 gemstones, yes.

8 Q. So at that point I was arrested; is that
9 right?

10 A. You were detained.

11 Q. I was detained?

12 A. Uh-huh.

13 Q. Okay. Now, after telling you that they were
14 crystal gemstones and not no type of drug, was I
15 still -- I was still being detained for a specific
16 reason?

17 A. Yes. I was going to search your vehicle,
18 because I smelled the odor of marijuana.

19 Q. So was there any exigent circumstances to --
20 for the failure to not obtain a warrant?

21 MR. COOPER: Objection, Your Honor. First
22 off, that's no longer the statute. That's no longer
23 the legal analysis in Nevada. And second off, the word
24 "exigent circumstances" calls for a legal conclusion.

25 THE COURT: All right. You can't ask him to

1 come up with a legal conclusion. Meaning that exigent
2 circumstances were this, this, and this. You have to
3 ask him what the facts were, why he did that.

4 BY MR. QAZI:

5 Q. Was there any exigent circumstances?

6 THE COURT: But understand, also, the State
7 has correctly stated that the automobile exception was
8 reinstated a few months ago in Nevada, which allows an
9 officer --

10 MR. QAZI: Not of my knowledge. It's
11 still -- the Supreme Court is still --

12 MR. COOPER: It has been. Trust me. I'm an
13 attorney.

14 THE COURT: What they have done is they have
15 allowed a stop of a vehicle and a search of a vehicle,
16 based on probable cause, without a warrant as to the
17 mobility of the vehicle. But that doesn't mean that
18 you can't focus in on the search itself. So right now
19 that's the law of the Supreme Court, as the report has
20 come down.

21 BY MR. QAZI:

22 Q. Well, was there any exigent circumstances?

23 MR. COOPER: Same objection, Your Honor. He
24 needs to rephrase the question, Your Honor. He can't
25 ask exigent circumstances. That calls for a legal

1 conclusion. He can ask about the facts.

2 THE COURT: Yeah. You need to rephrase your
3 questions as to why he was searching, what he was
4 looking for.

5 BY MR. QAZI:

6 Q. Was there any emergency situation or the
7 inherent mobility of the vehicle that it was -- you
8 were unable to apply for a warrant -- I mean call for a
9 warrant?

10 A. I'm not required to by the Nevada Supreme
11 Court. Your vehicle was occupied, mobile, and I
12 conducted a probable cause search of your vehicle.

13 Q. Which was not searched incident to arrest,
14 right?

15 A. Correct.

16 Q. Okay. So I was detained and -- hold on.
17 There was no -- the car was not readily mobile at that
18 time, was it, when I was handcuffed? Was there anyone
19 else that could have destroyed the evidence of the
20 contraband that you believe that was present or the car
21 being moved away?

22 MR. COOPER: Objection, Your Honor. Compound
23 question.

24 THE COURT: Rephrase the question, but just
25 ask if it's mobile, was anybody present, anybody else

1 there, anybody have the keys, things like that.

2 BY MR. QAZI:

3 Q. Was there anyone else present in the vehicle
4 that could have moved the car?

5 A. There was no one else in the vehicle that
6 could have moved the car at that time.

7 Q. And I was handcuffed in front of the patrol
8 vehicle; is that correct?

9 A. Correct.

10 Q. So when -- and there was no emergency or
11 anything -- was there any emergency towards the
12 situation?

13 A. No.

14 MR. COOPER: I have to object to that one,
15 Your Honor, as well.

16 THE COURT: I'll allow him to say the
17 emergency. It would be -- use it as a common phrase
18 word instead of a legal conclusion.

19 THE WITNESS: There was no emergency at that
20 time.

21 BY MR. QAZI:

22 Q. Okay. Is it proper procedure to call for a
23 warrant if you have probable cause?

24 MR. COOPER: Objection, Your Honor. First
25 off, I guess --

1 THE COURT: I'm going to sustain the
2 objection on this one.

3 MR. QAZI: No more questions at this time.

4 THE COURT: Any follow-ups?

5 MR. COOPER: No, Your Honor.

6 THE COURT: Is this witness free to go?

7 MR. COOPER: He is, Your Honor.

8 THE COURT: Officer, you're free to leave.

9 Please do not discuss your testimony with any other
10 witnesses.

11 State.

12 MR. COOPER: Your Honor, the State's next
13 witness is Detective Bien. Bien, B-I-E-N.

14 THE COURT: That's him.

15 MR. COOPER: This is Officer Glover, Your
16 Honor. Detective Bien, he testified at the previous
17 prelim.

18 THE COURT: That's right.

19 MR. COOPER: And, Your Honor, also, as we're
20 waiting for him to come in, I do have and I have
21 previously marked as State's Proposed Exhibit No. 1, a
22 certified copy of the defendant's most recent judgment
23 of conviction for a felony conviction. It came out of
24 Case No. C-273567, out of Department 7. It is a
25 certified copy, and if they look on the back, there is

1 the raised seal. The State would move to admit that,
2 pursuant to statute.

3 THE COURT: Any objection to Exhibit 1 coming
4 in? That being the certified copy of judgment of
5 conviction.

6 MR. QAZI: No.

7 (Whereupon, State's Exhibit 1 was
8 marked.)

9 THE COURT: Detective, please remain
10 standing. Raise your right hand. Face the clerk to be
11 sworn.

12 Whereupon,

13 FRANK BIEN,
14 was called as a witness, and having been first duly
15 sworn, was examined and testified as follows:

16 THE CLERK: Please be seated.

17 THE WITNESS: My first name is Frank.
18 Spelled F-R-A-N-K. Last name Bien. Spelled B, as in
19 boy, I-E-N.

20 THE COURT: State, you may proceed.

21 MR. COOPER: Thank you, Your Honor.

22

23 DIRECT EXAMINATION

24 BY MR. COOPER:

25 Q. Detective Bien, I want to turn your attention

1 to January 6, 2015.

2 Do you recall this day?

3 A. Yes, sir.

4 Q. And specifically on this day, were you acting
5 as a detective with the Las Vegas Metropolitan Police
6 Department?

7 A. Yes, sir.

8 Q. And specifically, did you respond to a
9 traffic stop in the area of West Harmon for a possible
10 recovery of a weapon?

11 A. Yes. That's correct.

12 Q. Do you recognize anyone in court here today
13 that was present at that traffic stop?

14 A. Yes.

15 Q. And can you please point at him and describe
16 something he's wearing?

17 A. The defendant. He's wearing the yellow
18 shirt, with the black eye patch.

19 MR. COOPER: May the record reflect the
20 witness has identified the defendant?

21 THE COURT: It shall.

22 MR. COOPER: Thank you.

23 BY MR. COOPER:

24 Q. When you came in contact with this
25 individual, did you become aware that an officer with

1 Metro, by the last name of Glover, had conducted a
2 traffic stop and found possible contraband?

3 A. That's correct.

4 Q. At that point was the scene turned over to
5 you?

6 A. Yes, sir.

7 Q. And when the scene was turned over to you,
8 what, if anything, did you do?

9 A. As soon as the scene was turned over to me, I
10 received a briefing from the officer -- the patrol
11 officer who conducted the vehicle stop, who caught me
12 up to speed as to the circumstances of what had
13 occurred.

14 After that I instructed my fellow detectives
15 to conduct an interview with the defendant. In the
16 meantime, I applied for a telephonic search warrant for
17 the recovery of the firearm, based on the defendant's
18 criminal history.

19 Q. And you did, in fact, recover that firearm?

20 A. That is correct.

21 Q. And are you aware if it was Smith & Wesson
22 .22-caliber firearm, bearing Serial No. M37231, or
23 would your report --

24 A. I don't want to testify to that, just because
25 I would have to recall my memory with my police report.

1 Q. Would that have been written in your report?

2 A. It's written in my arrest report.

3 Q. If I showed you a copy of your report, would
4 it refresh your recollection as to what that serial,
5 make, and model is?

6 THE COURT: Make sure you show the defendant,
7 you show Mr. Qazi.

8 MR. COOPER: That's what I'm showing him.

9 MR. QAZI: I object to that.

10 THE COURT: What he's doing is refreshing
11 recollection. He's showing you what he's going to show
12 him and only to refresh the recollection.

13 Your objection is what, sir?

14 MR. QAZI: The foundation on -- you know, his
15 recollection should be present the way he knows it.

16 THE COURT: If he doesn't remember, if
17 there's something that he can use to remember, he's
18 allowed to use that. Almost any document. They have
19 to show you what document they intend to use, and you
20 can ask him about the document and how it refreshes his
21 recollection. Based on that, I'm going to allow him to
22 use that to refresh his recollection.

23 MR. COOPER: Thank you, Your Honor.
24 Permission to approach the witness, Your Honor?

25 THE COURT: You may.

1 BY MR. COOPER:

2 Q. I'm now showing you -- well, do you recognize
3 that report?

4 A. Yes.

5 Q. Is that the report you wrote in this matter?

6 A. It is my report.

7 Q. And specifically, on the top of that second
8 page there, just let me know when your memory has been
9 refreshed.

10 A. Yeah.

11 Q. Has your memory been refreshed?

12 A. Yes.

13 Q. And is that serial number M37231?

14 A. Yes. That's correct. It's the
15 Smith & Wesson.

16 Q. And it was a .22-caliber Smith & Wesson?

17 A. Yes. That's correct.

18 Q. Was that a revolver, if you remember?

19 A. It was a revolver.

20 Q. Now, where was that weapon located?

21 A. In the center console.

22 Q. And, to your knowledge, was anything else
23 located in that center console?

24 A. There was. The officer instructed me, prior
25 to my arrival, that there was some narcotics that were

1 inside the center console above the firearm.

2 Q. And the narcotics, are you talking about
3 methamphetamine and marijuana?

4 A. That is correct.

5 Q. And did Officer Glover give you those items,
6 in order for you to conduct a field test on them?

7 A. I requested that I receive those items so
8 that I could field test them positive in the field and
9 then impound them as evidence, along with the firearm.
10 That's correct.

11 Q. Did you, in fact, conduct that ODV field
12 test?

13 A. I did.

14 MR. COOPER: Permission to approach the
15 witness, Your Honor?

16 THE COURT: You may.

17 BY MR. COOPER:

18 Q. I'm now showing you what's previously been
19 marked as State's Exhibit 2 and State's Exhibit 3.

20 Do you recognize these?

21 A. I do.

22 Q. Specifically looking at State's Exhibit 2,
23 how do you recognize it?

24 A. The ODV field test for methamphetamine.

25 Q. And is that for the incident we're talking

1 about now?

2 A. That's correct.

3 Q. And specifically, it looks like in the upper
4 left-hand corner there, it has a name.

5 What does that name say?

6 A. Last name Qazi. First name Omar.

7 Q. And is that the same name that's on State's
8 Exhibit 3?

9 A. Same name, that's correct.

10 Q. Do you recognize State's Exhibit 3?

11 A. That's the same field test form that we used,
12 except it's for marijuana.

13 Q. And it looks like under examiner there's a
14 name on both of those.

15 Do you see that?

16 A. I am the examiner of both.

17 Q. And on the left-hand side of both those
18 documents there's a whole bunch of check marks and
19 numbering of different steps.

20 Do you see those?

21 A. Yes.

22 Q. Did you follow all the steps that you're
23 supposed to when you conducted this test?

24 A. I did. I always do.

25 Q. Have you previously been certified in

1 conducting ODV tests?

2 A. I was.

3 Q. And were you certified at this time?

4 A. I was certified during this time.

5 Q. Okay. And did you follow all your training
6 and experience when you conducted these tests?

7 A. I did.

8 Q. And what was the result of the test for
9 methamphetamine?

10 A. Positive.

11 Q. And what was the result for the test of
12 marijuana?

13 A. Positive.

14 Q. Specifically on the methamphetamine, what was
15 the weight on that?

16 A. 1.2 grams gross.

17 Q. And are you aware if that was conducted -- if
18 that methamphetamine was in one bag or multiple bags,
19 if you remember?

20 A. I don't recall.

21 Q. Would you have dictated that in your report?

22 A. Possibly.

23 Q. If you saw a copy of your report, would it
24 refresh your recollection?

25 A. Yes.

1 Q. Okay. What about the marijuana? Do you
2 remember if that was in one bag or multiple bags?

3 A. I don't remember.

4 Q. If that was in your report, too, would it
5 refresh your recollection?

6 A. It would.

7 MR. COOPER: And at this point, Your Honor,
8 the State would move to admit State's Exhibit 2 and
9 State's Exhibit 3.

10 THE COURT: Any objection to Exhibits 2 and 3
11 coming in? Those are the ODV tests.

12 Do you have a copy of those, sir?

13 MR. QAZI: Yes.

14 THE COURT: Any objection to 2 and 3 coming
15 in?

16 MR. QAZI: No.

17 THE COURT: Exhibits 2 and 3 shall be
18 admitted at this time.

19 **(Whereupon, State's Exhibits 2 and 3**
20 **were admitted.)**

21 MR. COOPER: Your Honor, permission to
22 approach the witness?

23 THE COURT: As to refreshing recollection --

24 MR. COOPER: Yes, Your Honor.

25 THE COURT: -- as to the -- I'll allow that

1 to happen.

2 MR. COOPER: Thank you.

3 BY MR. COOPER:

4 Q. Just go ahead and review that second page of
5 the report -- specifically the bottom portion and
6 page 3 of your report -- and let me know if your memory
7 is refreshed as to the packaging of the methamphetamine
8 and marijuana.

9 A. Yeah.

10 Q. Okay. Has your memory been refreshed?

11 A. Yes.

12 Q. Now, specifically the marijuana, how was that
13 packaged, if you remember?

14 A. In individual -- three different individual
15 packages.

16 Q. And the methamphetamine, how was that
17 packaged?

18 A. The same. Three different individual
19 packages.

20 Q. Now, the methamphetamine, was each individual
21 package weighing the exact same amount, if you
22 remember?

23 A. I apologize. I don't remember.

24 Q. Was that contained in your report, though?

25 A. The weights. I put the amounts and the

1 weights and everything specifically in my report.

2 MR. COOPER: Permission to approach the
3 witness again, Your Honor?

4 THE COURT: You may.

5 BY MR. COOPER:

6 Q. Just go ahead and read that third page for me
7 and let me know if your memory is refreshed as to the
8 weights of all three of the bags.

9 On the methamphetamine, were all three of
10 those bags weighing the same exact amount?

11 A. That's correct. .4 grams gross.

12 Q. And --

13 THE COURT: You said .4?

14 THE WITNESS: .4.

15 BY MR. COOPER:

16 Q. Now, prior to being a detective with
17 firearms, what other positions have you held with
18 Metro?

19 A. I've been on the department for over
20 12 years, so I've worked gang investigations, firearms
21 investigations.

22 Q. Have you worked narcotics investigations?

23 A. I haven't worked in the narcotics section.
24 However, I have worked investigations involving
25 narcotics on several occasions.

1 Q. And before you were a detective, were you, in
2 fact, a patrol officer?

3 A. I was.

4 Q. And as a patrol officer, did you conduct
5 investigations determining whether or not someone had
6 methamphetamine on them, or stuff like that?

7 A. Several.

8 Q. And based on your 12 years as a police
9 officer and your training, was there something unique
10 about the fact that he had multiple baggies of the same
11 exact type of substance?

12 A. Yes. Based on my training and experience in
13 dealing with narcotics, it's been my knowledge that
14 persons who commonly carry narcotics in several
15 different baggies, specifically weighing the same
16 amount, is indicative of narcotic sales.

17 Q. And the marijuana, that was also in different
18 baggies as well?

19 A. That's correct. Three different baggies.

20 MR. COOPER: Court's indulgence.

21 THE COURT: All right.

22 BY MR. COOPER:

23 Q. No one else in the vehicle that you're aware
24 of?

25 A. Not to my understanding. I wasn't the person

1 that conducted the vehicle stop, but I was instructed
2 that he was the sole occupant.

3 Q. And at some point the defendant had an
4 occasion to speak to another detective with the
5 firearms bureau?

6 A. That's correct.

7 Q. And are you aware if that detective recorded
8 the defendant's statement?

9 A. It's my understanding that the recording --
10 the statement was recorded, that is correct.

11 MR. QAZI: I object to that.

12 THE COURT: We haven't got there yet.

13 MR. COOPER: I'm just asking if it was
14 recorded.

15 THE COURT: Is the recording going to come
16 in?

17 MR. COOPER: I don't plan on it.

18 THE COURT: Okay.

19 MR. COOPER: Yet.

20 THE COURT: All right. I'm assuming you're
21 objecting to what? Hearsay?

22 MR. QAZI: To the detective that conducted
23 the recording.

24 THE COURT: Well, he only asked if he knows
25 if there's a recording, but I don't know if you're

1 going to play it yet.

2 MR. COOPER: I'm not going to play the
3 recording.

4 THE COURT: Or introduce it as evidence.

5 MR. COOPER: The recording, no.

6 THE COURT: Or any portion -- I mean are you
7 asking him --

8 MR. COOPER: I plan on asking him just one
9 question, but obviously he can object to the question
10 if he feels like it's legally unsound.

11 THE COURT: And the question is going to be?
12 BY MR. COOPER:

13 Q. Did you have an occasion to review the taped
14 statement of the defendant prior to today, if you
15 remember or if you know?

16 A. I'm going to say I don't remember if I
17 reviewed it or not.

18 Q. That's fine.

19 A. I want to be sure.

20 MR. COOPER: Court's indulgence.

21 No further questions, Your Honor.

22 THE COURT: All right. Mr. Qazi,
23 cross-examination of this witness.

24 ///

25 ///

CROSS-EXAMINATION

1

2 BY MR. QAZI:

3 Q. Okay. Your name was?

4 A. Detective Bien.

5 Q. Detective Bien?

6 A. Yes, sir.

7 Q. So the arrest report that was written was
8 written by you?

9 A. Yes, sir.

10 Q. So according to the arrest report, it says
11 January 6, 2014.

12 Was it 2014 or was it 2015?

13 A. 2015.

14 Q. Okay. And are you the arresting officer?

15 A. Yes.

16 Q. You are the arresting officer. Okay.

17 Did you read me my Miranda at any time?

18 A. No.

19 Q. So how is it that according to the arrest
20 report it says that Officer Glover handcuffed and
21 arrested myself if you were the arresting officer?

22 A. He placed you under arrest for the narcotics
23 originally, and then I assumed the control over the
24 arrest. So, essentially, you were placed in handcuffs,
25 although I was the arresting officer.

1 Q. So Officer Glover was the first arresting
2 officer; is that what you're saying?

3 A. He was the individual that placed you in
4 handcuffs.

5 Q. Now, so when you took over, where was the
6 evidence found that you're claiming that you had found?

7 A. What evidence specifically are you referring
8 to?

9 Q. The black revolver.

10 A. In the center console.

11 Q. Okay. Was the center console a cup holder or
12 an ashtray or what kind of -- what was in the center
13 console?

14 A. Maybe rephrase your question.

15 Q. Was it underneath a certain area of the
16 console, or can you describe how -- where it was found
17 in the middle console?

18 A. I would have to see the pictures to refresh
19 my memory.

20 MR. QAZI: Can we produce that, or?

21 THE COURT: Do you have those pictures now?

22 MR. COOPER: I don't have them.

23 MR. QAZI: They should be in the --

24 THE COURT: Is there anything in the reports?

25 MR. QAZI: I do have them personally, but,

1 like I said, they're not in court right now.

2 THE COURT: What was the question about the
3 console?

4 THE WITNESS: If you allow me to read my
5 arrest report, I believe I put it in my arrest report,
6 the location of the firearm.

7 THE COURT: Is it the location of it or it
8 is --

9 MR. QAZI: Well, the way --

10 THE COURT: -- the way the cup holder --

11 MR. QAZI: -- the way the middle console
12 looked and where it was found.

13 THE COURT: All right. Would you, reviewing
14 your arrest report, be able to answer that question?

15 THE WITNESS: I think so.

16 THE COURT: What I'm going to do, Mr. Qazi,
17 I'm going to allow him to review his arrest report,
18 which may be in there as to the center console.

19 THE WITNESS: I remember now.

20 THE COURT: All right. If you can just turn
21 that upside down.

22 THE WITNESS: Sure. No problem.

23 THE COURT: After reviewing that, were you
24 able to answer Mr. Qazi's question?

25 THE WITNESS: Yes, sir. So when I refer to

1 the center console of the vehicle, I'm referring to the
2 entire center section of the vehicle. Just to the
3 right of the driver's seat, there's a center console.
4 There was an ashtray there. And that ashtray, once you
5 lift that ashtray up, then inside the center console is
6 where the firearm and the narcotics were discovered.

7 BY MR. QAZI:

8 Q. So there was an ashtray in the middle which
9 was easily removed, and it was found underneath that?

10 A. That's correct. Yes.

11 Q. All right. Well, in the picture I have in
12 evidence, it will show that the ashtray is up where the
13 cup holder is at, and then the gear shift --

14 MR. COOPER: Objection, Your Honor. He's
15 testifying.

16 BY MR. QAZI:

17 Q. -- and then it's the middle console.

18 THE COURT: Well, you need to lock him into
19 that question or his answers. And then if the evidence
20 shows something different, then you proceed on that.

21 MR. QAZI: Well, that's what I'm trying to
22 get at. The evidence does show --

23 MR. COOPER: He's testifying.

24 THE COURT: That's what I'm saying. You have
25 to ask him the questions and he locks himself into that

1 line of answers. And if the evidence shows something
2 different, then you can present that later.

3 BY MR. QAZI:

4 Q. Okay. Did it look like consoles were removed
5 from the car?

6 THE COURT: What do you mean by "consoles"?
7 My understanding of a console is a big thing. A big
8 plastic --

9 MR. QAZI: Well, there was a few consoles.
10 Like the center console by the radio or, you know, the
11 consoles of the car. Like the interior of the car.

12 THE COURT: Where you put stuff?

13 MR. QAZI: Basically.

14 THE COURT: Cup holders and ashtrays.

15 MR. QAZI: Or just the covers of, let's say,
16 wires or anything that's --

17 THE WITNESS: So I think I can answer his
18 question, Your Honor.

19 THE COURT: Yes.

20 THE WITNESS: When I say the word "center
21 console", what I'm referring to is the entire center
22 section of the vehicle between the driver and the
23 passenger. So when I say "center console," I mean that
24 center area, not just the -- if there is a device
25 that -- a little storage area where you would put your

1 sunglasses or whatever, not just that. The whole
2 entire center console.

3 In the photos it will show that in that
4 center area between the two seats there is an ashtray.
5 That ashtray was lifted up. Not by me. By -- as the
6 testimony you heard from the other officer -- I'm sure,
7 I could assume -- that's where the firearm was
8 discovered.

9 BY MR. QAZI:

10 Q. Okay. According to Glover's testimony that
11 it was the center console cup holder, which is
12 inconsistent with --

13 MR. COOPER: And, Your Honor --

14 THE COURT: That's an improper question to
15 ask, as to verify the other person's testimony. So he
16 remembers that it was an ashtray. That's his
17 testimony. That being Detective Bien, that's his
18 testimony that it was an ashtray that was removed and
19 under that was found a gun.

20 BY MR. QAZI:

21 Q. Was there any other consoles removed in the
22 interior of the car or any damage done?

23 THE COURT: If you know.

24 THE WITNESS: Not to the best of my
25 knowledge.

1 THE COURT: Did you remove any consoles?

2 THE WITNESS: I did not, no.

3 BY MR. QAZI:

4 Q. All right. Did it seem like the radio was
5 intact?

6 THE COURT: Working or that it was -- parts
7 were removed?

8 MR. QAZI: If it was there intact, everything
9 was fine with it.

10 THE WITNESS: I don't remember anything about
11 the radio, because it didn't have anything to do with
12 my investigation. My investigation was to recover the
13 firearm. And I didn't recover the firearm from the
14 radio, so I don't recall.

15 BY MR. QAZI:

16 Q. You didn't see the interior destroyed in any
17 way type of form?

18 A. I didn't -- if you're asking me if I
19 destroyed the interior, I did not destroy the interior.

20 Q. No. I'm asking if you seen the car, was it
21 destroyed at all? Like any consoles that were taken
22 off that were not -- like other than being intact?

23 MR. COOPER: Objection, Your Honor.
24 Relevance. What does that have to do with finding a
25 weapon?

1 THE COURT: If you can answer the question,
2 I'll allow you to answer it so we can move on.

3 Did it look like any damage was done to it by
4 the search?

5 THE WITNESS: At what point in time? Damage
6 when I first arrived or damage --

7 BY MR. QAZI:

8 Q. When you went there to recover the evidence.

9 THE COURT: Here's the problem. He stated
10 all he did was remove the firearm.

11 You did not perform any further searches?

12 THE WITNESS: I didn't tear the vehicle
13 apart. I didn't damage the vehicle, nor did any of my
14 coworkers.

15 BY MR. QAZI:

16 Q. So no one damaged -- it looked like it would
17 be intact? You're saying the middle console is the way
18 it is, right?

19 MR. COOPER: And, Your Honor, I mean it's
20 100 percent speculation. How does he know what the
21 middle console looked like before?

22 MR. QAZI: I have picture evidence.

23 THE COURT: I'll sustain the objection.
24 We're going to move on from here. I need you to ask
25 some other questions.

1 MR. QAZI: Your Honor, I have the picture
2 evidence showing how the center console looked and --

3 THE COURT: Well, you've asked him about the
4 center console. We've gotten that point about the
5 radio. I think we're getting a little off course here.

6 BY MR. QAZI:

7 Q. All right. So at what time did you call in
8 for your telephonic search warrant?

9 A. I don't recall.

10 Q. You don't recall?

11 A. I don't remember it through memory, that is.
12 It would be on the transcription of the telephonic
13 search warrant, though.

14 MR. QAZI: Can we show that to --

15 MR. COOPER: Your Honor, I'm going to object
16 again to relevance.

17 THE COURT: How long after you got there did
18 you call for the search warrant? Do you recall?

19 THE WITNESS: It didn't take me very long,
20 Your Honor. I received a briefing. I started working
21 on it almost immediately. I would venture to guess,
22 without refreshing my memory, it was -- the beginning
23 of the application for the telephonic search warrant
24 was within an hour of my arrival.

25 THE COURT: All right. Will that suffice,

1 Mr. Qazi?

2 MR. QAZI: Yes.

3 BY MR. QAZI:

4 Q. And about how long after the arrest were
5 you -- did you show up to the scene?

6 THE COURT: Let me stop you there. 1803,
7 would you say, was that -- in your report it says that
8 Judge Hafen signed the search warrant.

9 Would you agree with that testimony -- or
10 with that statement?

11 THE WITNESS: At the very beginning of my
12 application, it would say, The date is, and, The time
13 is, at the beginning of the recording, Your Honor.

14 THE COURT: I'm saying 1803 is when Judge
15 Hafen approved it. So within five or ten minutes of
16 that is when you applied for it?

17 THE WITNESS: Yes, Your Honor. That's
18 correct.

19 THE COURT: Mr. Qazi, do you understand?

20 MR. QAZI: Yes.

21 THE COURT: Within about five or ten of 1803,
22 that being the hour, he applied, so.

23 MR. QAZI: So it was at 1803. Okay. The
24 application for the telephonic search warrant, can I
25 state what's in it?

1 THE COURT: What's in what?

2 MR. QAZI: In the search warrant.

3 MR. COOPER: Your Honor, I'm objecting.
4 That's testimony.

5 THE COURT: You have to ask him.

6 MR. QAZI: Can I state what was mentioned in
7 the search warrant itself, as far as what was said to
8 the judge to get the warrant?

9 MS. WALDO: Judge, can we take a brief
10 indulgence really quick.

11 THE COURT: Sure.

12 (Whereupon, other matters were heard.)

13 THE COURT: State of Nevada versus Omar Qazi.
14 This is a continuation of the preliminary hearing.
15 Continue on with cross-examination. I forgot where we
16 were at.

17 BY MR. QAZI:

18 Q. On the application, you are the applicant for
19 the telephonic search warrant; is that correct?

20 A. Yes, sir.

21 Q. So do you recall that it was done at
22 1803 hours?

23 A. Thereabouts. Without seeing the actual
24 application, the transcription, I can't testify
25 honestly to the date [sic]. I would have to refresh my

1 memory.

2 Q. That was according to your arrest report.
3 According to the telephonic search warrant, it says
4 1756 hours.

5 MR. COOPER: Objection, Your Honor. He's
6 testifying.

7 THE COURT: Well, I think he's questioning
8 him, so I'll allow that question to stand. That is
9 when it was initially begun and approved, at 1803.

10 Does that seem right?

11 THE WITNESS: It would seem right. But,
12 again, without reviewing my --

13 THE COURT: Can we just agree on these
14 times -- just to move along -- if that's in there. Or
15 do you have the search warrant itself, so we can say?

16 MR. COOPER: I have the application of the
17 search warrant, Your Honor.

18 THE COURT: What time was it attested to?

19 MR. COOPER: I can tell you, Your Honor, on
20 the application for the search warrant it says that on
21 January 6, 2015, at 1756 hours is when the call
22 started.

23 THE COURT: And then 1803 was the final.

24 MR. COOPER: Your Honor, permission to
25 approach the witness, just so we can speed this along,

1 just to make sure we're all on the same page here.

2 THE COURT: Okay.

3 BY MR. QAZI:

4 Q. I just wanted to see if -- it was basically
5 approved at 1803?

6 A. 1756 hours was the time that I applied for
7 the application and affidavit with a judge. I think at
8 the end, I give the date and time again. I think. I
9 can't remember for sure.

10 THE COURT: So within that ten minute time.

11 THE WITNESS: So I mean the application and
12 affidavit for telephonic search warrant typically takes
13 ten to fifteen minutes, given the complexity of the
14 case. But then, again, I can testify that at
15 1756 hours is when I began my conversation with the
16 judge.

17 BY MR. QAZI:

18 Q. Okay. When you and your partner showed up to
19 the scene, were you in uniform or civilian clothing?

20 MR. COOPER: Objection, Your Honor.

21 Relevance.

22 THE COURT: I'll allow the question, so we
23 can move on.

24 THE WITNESS: Civilian clothes.

25

1 BY MR. QAZI:

2 Q. Did you show any type of authority?

3 MR. COOPER: Objection.

4 THE COURT: Sustained as to relevance. I
5 don't --

6 MR. QAZI: Well, I was removed from the
7 immediate vicinity, away from patrol officers in the
8 vehicle.

9 MR. COOPER: Objection, Your Honor. He's
10 testifying.

11 THE COURT: Well, he's making an argument, so
12 I'll allow it. Go ahead.

13 MR. QAZI: I was taken away about 15 yards
14 away from the scene.

15 THE COURT: And you could not view the search
16 itself?

17 MR. QAZI: I could not view -- I could not be
18 around the patrol officers, the search, anything. So I
19 was --

20 THE COURT: Well, that being said,
21 regardless, I mean, whether he's showing authority or
22 showing badges or anything like that --

23 MR. QAZI: Well, it made me feel like I was
24 being kidnapped.

25 THE COURT: Then I'm going to sustain the

1 objection as to relevance. We're only focusing on the
2 search and what he did with what he found.

3 BY MR. QAZI:

4 Q. Okay. Detective M. Kitchen was your partner?

5 A. Yes, sir.

6 Q. Did he -- was he covering up his face at the
7 time of when I approached him?

8 MR. COOPER: Objection, Your Honor.

9 Relevance.

10 THE COURT: What's the relevancy in that,
11 sir?

12 MR. QAZI: You know, is that proper
13 procedure, because he had his face covered?

14 THE COURT: He may. He may be doing it for
15 other reasons. That's something you have to address
16 with him. That being said, I'll sustain the objection.

17 BY MR. QAZI:

18 Q. So was he also in civilian clothing?

19 A. Yes.

20 Q. And he didn't have no type of show of
21 authority?

22 THE COURT: Sustain the -- there was an
23 objection previously of the same question.

24 MR. QAZI: Yes.

25 THE COURT: He's there. They're searching.

1 They're in plain clothes. We've got that. All right.

2 BY MR. QAZI:

3 Q. Now, was it a marked vehicle that you guys
4 arrived in or was it unmarked?

5 A. Unmarked.

6 Q. Unmarked. Okay. And they were dark-colored
7 vehicles?

8 MR. COOPER: Objection, Your Honor.

9 Relevance. I mean, what are we doing here?

10 THE COURT: Sir, I don't know where we're
11 going with this.

12 MR. QAZI: I'm just getting at the point
13 where -- how I was taken away from the scene.

14 THE COURT: All right. You were taken away.

15 There's no doubt about that. I'm okay -- you've
16 already established that. You've established they were
17 in plain clothes. What color their car is, I don't
18 think, because they're officers --

19 MR. QAZI: Well, if there's any evidence that
20 could show that --

21 THE COURT: To show what as to probable
22 cause? Whether or not it's more probable than not that
23 the crime was committed and that you committed it?

24 MR. QAZI: Well, it was also where the
25 investigation was taking place at, as far as my -- the

1 interrogation by his partner.

2 THE COURT: Interrogation?

3 MR. QAZI: Yes. That's where the
4 interrogation was --

5 THE COURT: We haven't even got into the
6 interrogation.

7 MR. QAZI: Well, that's --

8 THE COURT: I don't think it was admitted,
9 because it was hearsay. We never got into the
10 interrogation. So that's a can of worms you don't want
11 to open up.

12 MR. QAZI: Okay.

13 THE COURT: Sorry, State.

14 MR. COOPER: It's all good.

15 BY MR. QAZI:

16 Q. Did you promise any leniency in court for
17 cooperating?

18 A. No.

19 Q. Did you leave a phone number with me?

20 A. I don't recall.

21 Q. Were you present when -- never mind.

22 So were you the transporting officer to the
23 CCDC?

24 A. No.

25

1 MR. QAZI: No further questions.

2 THE COURT: Any follow-ups based on that?

3

4 REDIRECT EXAMINATION

5 BY MR. COOPER:

6 Q. This all happened in Clark County, correct?

7 A. Yes, sir.

8 MR. COOPER: No further questions, Your

9 Honor.

10 THE COURT: Is this witness free to go?

11 MR. COOPER: Yes.

12 MR. QAZI: Yes.

13 THE COURT: At this time I'm going to release
14 you, Officer. Thank you for your testimony. Please do
15 not discuss your testimony with any other witnesses.

16 State, I have Exhibits 1, 2, and 3 admitted
17 at this time.

18 Anything further of the State?

19 MR. COOPER: Court's indulgence. Let me just
20 verify the -- no, Your Honor. The criminal complaint
21 appears to be in order. Yes.

22 With the admission of our exhibits, the State
23 has no further witnesses.

24 THE COURT: Mr. Qazi, the State has rested.

25 Do you wish to call a witness?

1 MR. QAZI: Yes, please.

2 THE COURT: All right. Your first witness
3 will be?

4 MR. QAZI: Gloria Ogarti [ph] Qazi, my
5 mother.

6 THE COURT: All right. Miss Qazi.

7 MR. QAZI: Owner of the vehicle.

8 THE COURT: Ma'am, if you can come take the
9 stand. What I need you to do is to remain standing.
10 Raise your right hand. Face the clerk to be sworn.
11 Whereupon,

12 GLORIA QAZI,
13 was called as a witness, and having been first duly
14 sworn, was examined and testified as follows:

15 THE CLERK: Please have a seat. State and
16 spell your first and last name for the record.

17 THE WITNESS: Yes. My name is Gloria. Same
18 last name, Q-A-Z-I.

19 THE COURT: Ma'am, you may have a seat. If
20 you want to move closer to the microphone. All right.

21 State -- I'm sorry. Defense, you may
22 proceed. All right. You may proceed.

23 DIRECT EXAMINATION

24 BY MR. QAZI:

25 Q. So your name is Gloria Qazi, right?

1 A. Yes.

2 Q. Okay. Are you the owner of the gold Saturn
3 vehicle?

4 A. Yes.

5 MR. COOPER: Objection, Your Honor. I just
6 want to clarify what Saturn vehicle we're talking
7 about.

8 THE COURT: Are we talking about the one that
9 was searched that day?

10 MR. QAZI: Yes.

11 THE COURT: Can we stipulate to that?

12 MR. COOPER: That's fine, as long as he's
13 clear.

14 THE COURT: It's the gold Saturn that was
15 searched the day that you were driving?

16 MR. QAZI: Uh-huh.

17 THE COURT: All right.

18 BY MR. QAZI:

19 Q. Was I allowed to drive that car that day?

20 A. Yes.

21 Q. Was the vehicle intact prior to lending me
22 the vehicle?

23 A. Yes.

24 Q. Did officers call you to pick up the vehicle
25 after the search?

1 A. No.

2 Q. No. Okay. And who picked up the vehicle
3 from the scene?

4 A. Crystal.

5 Q. Crystal. Okay.

6 THE COURT: Can you give a background on who
7 Crystal is. Sister? Aunt? Girlfriend?

8 MR. QAZI: It's girlfriend. My girlfriend.

9 THE WITNESS: His girlfriend.

10 MR. QAZI: It's in the arrest report.

11 BY MR. QAZI:

12 Q. Okay. And upon receiving the vehicle, did
13 you notice anything different with the interior of the
14 vehicle?

15 A. Well, everything was spread out, you know.
16 And the door -- even the door was like -- I used to be
17 able to close it, you know, regular. Now I had to like
18 pull it up and push it. It's like the person behind
19 me, the passenger, cannot open. If they open the door,
20 I cannot get out. And before it just -- we used to
21 open both doors easily. Now, it's that. I noticed.
22 But, you know, it doesn't matter to me, you know. It's
23 just a car. But that happened. And right now I just
24 went to move my car --

25 THE COURT: Okay. Let me stop you there.

1 Just answer the question without adding too much to it.

2 You may proceed.

3 BY MR. QAZI:

4 Q. Okay. Was the -- were the consoles at all
5 looked to be normal, like the middle console or by the
6 radio area or anything?

7 A. No. Everything was just like in the floor.

8 THE COURT: Okay. I need you to describe,
9 because she's writing these things down. When you do
10 this, I understand that means that they're thrown all
11 over the place. But you need to be able to say that,
12 because she's writing that down. That's the record.

13 Without making gestures, tell us what you
14 saw.

15 THE WITNESS: Yes. The trays from the -- I
16 never was able to move those trays, and they were on
17 the floor. And the -- I don't know what it's called.
18 The sides of the console were also out of place. And
19 the metal thing something is missing. I never pay too
20 much attention, because I don't play music, nothing
21 like that. I don't know where it went.

22 THE COURT: The metal thing? Do you mean the
23 radio?

24 THE WITNESS: Yes. I don't know. The DVD.
25 Something. I don't know the names of those, because I

1 don't --

2 THE COURT: Something was moved from the
3 radio?

4 THE WITNESS: Yes. Something.

5 THE COURT: That was the front face plate, if
6 you will, or the cover, or? I'm asking you. I'm not
7 trying to --

8 THE WITNESS: It's just like it was from the
9 radio or something like that. It was missing from
10 there.

11 THE COURT: The entire radio?

12 THE WITNESS: Yeah. They left the whole spot
13 open.

14 THE COURT: So they actually removed the
15 radio?

16 THE WITNESS: Yeah. I guess so, because I
17 don't see it. I find something else, another black
18 part, but that doesn't belong to my car.

19 THE COURT: So there's a whole missing radio?

20 THE WITNESS: Yeah.

21 THE COURT: Did you ever find that radio?

22 THE WITNESS: I seen some other part that
23 doesn't belong to my car.

24 THE COURT: Did you ever find the radio?

25 THE WITNESS: No.

1 THE COURT: So there's a whole, big,
2 rectangular, empty space?

3 THE WITNESS: It's empty space. And then
4 there's something that I don't know what it is, is
5 there, but it doesn't belong to my car.

6 THE COURT: Okay.

7 THE WITNESS: This black part.

8 THE COURT: I'm sorry. You may go ahead.

9 BY MR. QAZI:

10 Q. What was this kind of black box? Are you
11 talking about a certain console that was removed that
12 somehow --

13 MR. COOPER: Objection, Your Honor. He's
14 leading.

15 BY MR. QAZI:

16 Q. -- doesn't look to be in the right place?

17 MR. COOPER: Leading.

18 THE COURT: I'm going to allow a little
19 leeway on this one. Go ahead. Reask the question
20 again.

21 BY MR. QAZI:

22 Q. Was it like a part of a console of the
23 vehicle, the interior that was removed from not a
24 normal place?

25 MR. COOPER: I mean, Your Honor.

1 THE COURT: I'm not sure I understand the
2 question.

3 MR. QAZI: Well, she's saying that she seen
4 like a black box, or.

5 THE COURT: That was not part of the vehicle?

6 MR. QAZI: Exactly.

7 THE COURT: Do you know where that came from?

8 THE WITNESS: No.

9 THE COURT: Okay. Sustain the objection,
10 then. The objection was leading, because you were
11 trying to tell her the answer to say.

12 BY MR. QAZI:

13 Q. And you said there was trays on the floor.
14 Could you describe the trays?

15 A. The tray I had never moved, because they were
16 hard to move, they were also on the floor. And let me
17 see. What else? Oh, I just been noticing a lot that
18 my car is always -- not always -- sometimes I find it
19 open and I know that I had locked it.

20 First I used to --

21 MR. COOPER: Objection, Your Honor.

22 THE WITNESS: I used to --

23 THE COURT: Let me stop you there.

24 MR. COOPER: This is nonresponsive.

25 THE COURT: This is a little beyond what

1 we're talking about here. I think we're talking about
2 the vehicle after it was recovered, what she noticed.

3 THE WITNESS: Okay.

4 THE COURT: All right.

5 BY MR. QAZI:

6 Q. Okay. Have you lent the car to anyone else?

7 A. Yeah. Off and on.

8 THE COURT: Let's get a time frame. Prior to
9 this date?

10 MR. QAZI: Within that week of --

11 THE COURT: January 6.

12 MR. QAZI: -- January 6, 2015.

13 THE WITNESS: Yes. I had lent it to -- just
14 to people that wants to borrow it, you know, like some
15 neighbors or some of your friends. But I don't know --
16 I don't know their names.

17 BY MR. QAZI:

18 Q. Okay. Was there any warrants left in the
19 vehicle?

20 THE COURT: Warrants?

21 BY MR. QAZI:

22 Q. Any paperwork left by officers?

23 A. There were like three pages, pink pages, and
24 I mailed them to you.

25 MR. QAZI: Okay. That's all for now.

1 THE COURT: All right. No further questions.
2 State.

3

4 CROSS-EXAMINATION

5 BY MR. COOPER:

6 Q. All right. I'm sorry, ma'am. What was your
7 first name, again?

8 A. Gloria.

9 Q. Gloria. Is it okay if I call you Gloria?

10 A. Yes.

11 Q. Thank you. So you obviously -- the defendant
12 is your son?

13 A. He's my son.

14 Q. And you obviously love your son?

15 A. (Witness nods head.)

16 THE COURT: Hold on. Ma'am, I need you to
17 answer yes or no. Don't make the gestures. Yes or no.

18 THE WITNESS: Yes. Sorry.

19 BY MR. COOPER:

20 Q. And you obviously don't want to see your son
21 get in trouble or anything like that, right?

22 A. Right.

23 Q. Okay. So let's go back to January of 2015.

24 In January of 2015, I think you said that you
25 were just loaning your vehicle to people?

1 A. Yeah. They just asked me, can I go to the --
2 it was some people I knew. Can I go to the doctor or
3 to the hospital, and I cannot say no.

4 Q. And --

5 A. Or just like when I give a ride, you know.

6 Q. So you were just -- did you know these
7 people?

8 A. Acquainted. I'm acquainted to them.

9 Q. So you would just loan your vehicle to
10 anyone?

11 A. They are people that I have seen most of the
12 time, yes.

13 Q. How many vehicles did you have?

14 A. I had only one. I used to have two, but I
15 have only one.

16 Q. So in January 2015, you only had one vehicle?

17 A. Yes.

18 Q. And do you work?

19 A. Yes.

20 Q. Where do you work at?

21 A. I work in a time-share.

22 Q. And what are your usual hours that you go to
23 and from work?

24 A. From 11:00 to 7:30.

25 Q. So 11:00 to 7:30 p.m.?

1 A. Yes.

2 Q. And do you work Monday through Friday or do
3 you work on weekends?

4 MR. QAZI: I object. Relevance.

5 THE COURT: Yes. Counsel.

6 MR. COOPER: I'm laying a foundation.

7 THE COURT: Focus on January 6th.

8 MR. COOPER: I'm talking about specifically
9 this whole January time period when she's talking about
10 lending her vehicle to people. I just want to know
11 what her work schedule is, to determine how she was
12 going to and from work if she was lending her vehicle
13 to people.

14 THE COURT: All right. You get a little
15 leeway on this.

16 BY MR. COOPER:

17 Q. So you can answer that. When do you usually
18 work? Monday through Friday? Saturday or Sunday?

19 A. It varies, but usually -- let's see. I
20 have -- it had been changed, because sometimes I asked
21 them to take time off, so I don't remember my schedule.

22 Q. Now, January of 2015, were you working
23 40 hours a week, or how many hours a week were you
24 working?

25 A. I think 40.

1 Q. Okay. And you obviously had to go to and
2 from work from your house?

3 A. I work very close. I can walk.

4 Q. You walk to your work?

5 A. I can walk.

6 Q. So who were these people you were loaning the
7 vehicle to?

8 A. I had lent it to neighbors.

9 MR. QAZI: I object, Your Honor.

10 THE COURT: As to?

11 MR. QAZI: As to the relevancy on who she
12 lend it to.

13 MR. COOPER: It goes directly to his defense,
14 Your Honor.

15 THE COURT: The problem is you did ask her --
16 you did ask her if she lent it out to various people,
17 which is somewhat of a defense, so they are entitled to
18 at least question those people -- I mean, question the
19 people that it was given to.

20 Do you see what I'm saying?

21 MR. QAZI: Well, I'm not asking exactly who
22 was lent the car, you know.

23 MR. COOPER: Obviously, he doesn't get to --

24 THE COURT: No. Go ahead.

25 MR. QAZI: That's fine. Go ahead.

1 BY MR. COOPER:

2 Q. So you said neighbors. So let's focus on the
3 neighbors first.

4 We're talking about, let's say, from
5 January 1st until January 6th, we're talking about that
6 five-day time period.

7 Are you with me?

8 A. Uh-huh.

9 THE COURT: That's a "yes"?

10 THE WITNESS: Yes.

11 BY MR. COOPER:

12 Q. In that time period, did you loan your
13 vehicle to any neighbors?

14 A. From that time period, yes. The neighbors,
15 no. I remember giving the key -- I have a problem with
16 the car, so I give the key to one of my neighbors.

17 Q. So let's stop there. What was that
18 neighbor's name?

19 A. Her name is Sherry. She was going to give it
20 to somebody else to fix my car, but I don't know. They
21 took too long to fix it.

22 Q. You said her name is Sherry?

23 A. Yes.

24 Q. And what's Sherry's last name?

25 A. I don't know.

1 Q. Okay. Does she live in your apartment
2 complex?

3 A. No. She went to Washington.

4 Q. She moved to Washington?

5 A. Yes.

6 Q. Did she used to live in your apartment
7 complex?

8 A. She used to.

9 Q. And was it in the same building? Where was
10 her -- how did you know Sherry in your apartment
11 complex?

12 A. Because she was my neighbor.

13 Q. Was it your apartment was here. Her
14 apartment was right next door or was it her apartment
15 was on the opposite side of the apartment complex?

16 A. It was like in the corner. It's in the
17 corner of my apartment.

18 Q. Do you have Sherry's phone number?

19 A. No.

20 Q. So how did you get in contact with Sherry?

21 A. She -- no. No. No. You're talking about
22 back then. She knew this other guy that was going to
23 fix my car, but ...

24 Q. And I understand what you're trying to say.
25 I promise you, your son is going to get an opportunity

1 to talk to you about that. I'm focusing with you
2 specifically on how -- you said Sherry was your
3 neighbor.

4 Did you just see Sherry around, or?

5 A. Yes.

6 Q. Okay. Now, why would you give Sherry the
7 keys to your car? Because she was going to get it
8 fixed for you?

9 A. She had a friend that she said that he was
10 going to fix it.

11 Q. So were you and Sherry's friends?

12 A. Yes.

13 Q. So how did you contact Sherry in January of
14 2015?

15 A. Because I used to see her all the time, you
16 know.

17 Q. You didn't have her phone number ever?

18 A. No. Because we just like neighbors. She
19 will be all the time outside. She smoke, you know,
20 cigarette, so she had to be outside the apartment.

21 Q. So you gave your keys to someone who you
22 couldn't even contact?

23 A. No. I can go to the door.

24 THE COURT: All right. Let me stop you.

25 That's argumentative. I think she's testified to that.

1 Let's move on.

2 BY MR. COOPER:

3 Q. So who else did you give your car to in
4 January?

5 A. In January?

6 Q. And we're talking about January 1st through
7 January 6th.

8 A. January 6th?

9 Q. Just to put it in, I guess, into perspective,
10 January 6th would be the day that the police searched
11 your vehicle.

12 A. At that time I think it's only -- I think
13 it's only her and I know other people too, but I can't
14 remember their names.

15 Q. You gave your vehicle to other people too?

16 A. Yeah. But I know them, though.

17 Q. How many other people?

18 A. Like two more guys.

19 Q. And how do you know those two guys?

20 A. They were his friends, but I don't know their
21 names.

22 Q. And you gave the vehicle directly to them.
23 You didn't give the vehicle to your son?

24 A. Well, they just want to borrow it. I said,
25 okay, just bring it right back, and they did.

1 Q. And you don't know their names?

2 A. No.

3 Q. So you were just handing your keys out to
4 people whose names you didn't even know?

5 A. No. I see them being around. They're his
6 friends.

7 Q. How do you know they were his friends?

8 A. Because they would come to see him and they
9 would go out.

10 Q. Where was your son at during this whole time
11 period? He didn't have to use the vehicle?

12 A. Yeah. He also borrowed my car.

13 Q. But there was times where your son's friends
14 just came over and you gave them the keys without your
15 son knowing?

16 A. Well, like --

17 MR. QAZI: Sir, I object.

18 THE COURT: Hold on. Hold on.

19 MR. QAZI: He already said that question.

20 THE COURT: Asked and answered? I think it's
21 a little different.

22 MR. COOPER: It is a different question.

23 THE COURT: You gave them to his friends
24 without your son knowing about it that date, so.

25 MR. QAZI: Okay.

1 THE WITNESS: He doesn't need to know. It's
2 my car.

3 THE COURT: Do you know these friends' names?

4 THE WITNESS: I don't know their names.

5 THE COURT: Have you seen them -- do they
6 still live in the apartment complex?

7 THE WITNESS: No.

8 THE COURT: Have you seen them since
9 January 6th?

10 THE WITNESS: No, I haven't seen them since
11 then.

12 BY MR. COOPER:

13 Q. So why would you give the keys to your son's
14 friends instead of giving it to your son?

15 A. Because my son wasn't around, and then they
16 came and I gave it to them, and they brought the key
17 back.

18 Q. So his friends would come around your house
19 without your son even being there?

20 A. I mean, they're his friends. It's okay. I'm
21 an old person. I'm not a young lady.

22 Q. Okay. And this all happened between
23 January 1st -- we're talking about five days here.
24 January 1st and January 6th.

25 So then when were you using your car if you

1 were letting everyone else use it?

2 MR. QAZI: I object, Your Honor.

3 THE COURT: Sustained. It's argumentative.

4 BY MR. COOPER:

5 Q. When were you using your car?

6 A. When I would use it?

7 Q. Yes.

8 A. At that time I used to walk more. Now I'm
9 not walking as well, because I had a surgery, cancer
10 operation. So I was walking better before and I didn't
11 have to -- like I was saying, I can walk to my job. I
12 still can do it but not as fast.

13 Q. I don't think you understood my question. My
14 question was: When were you using your vehicle
15 between -- we're talking about between January 1st and
16 January 6th.

17 A. Off and on.

18 Q. Off and on?

19 A. Is that the answer you want?

20 Q. Whatever the truth is.

21 A. Off and on.

22 THE COURT: Anything further on this? I
23 think we've established that she's loaned some people
24 the vehicle.

25 MR. COOPER: Yes. I'm going to move on.

1 Only one more question.

2 BY MR. COOPER:

3 Q. So when you let these people use your
4 vehicle, after they used it, is it safe to say you went
5 back into your vehicle?

6 A. Yeah.

7 Q. Okay. And those consoles we're talking
8 about, were those ever in a different spot or were they
9 always right where they were when you left them?

10 A. Everything was okay.

11 Q. All right. So now let's talk about
12 January 6th. So January 6th, are you at home? Are you
13 at work?

14 A. What day was that?

15 Q. The day the police searched your vehicle.

16 A. No. But what day was that? Monday?
17 Tuesday?

18 Q. What day of the week? I'm not sure. You
19 don't remember where you were when the police searched
20 your vehicle?

21 A. I can't remember.

22 Q. It was a Tuesday.

23 A. It was a Tuesday. I was home.

24 Q. Okay. And your son asked you for the keys to
25 the car or did he have his own set?

1 A. He had his copy.

2 Q. He has a copy of the keys?

3 A. Uh-huh.

4 Q. So was he allowed to just take the car any
5 time he wanted to?

6 A. Yes.

7 Q. He didn't have to tell you before he took the
8 car or anything like that?

9 A. Sometimes he would tell me. Sometimes he
10 didn't.

11 Q. Okay.

12 A. But by the end of the day, I knew he had it.

13 Q. So are you at home when he leaves with the
14 car? Do you remember him actually leaving with the
15 vehicle?

16 A. I know he was going to the doctor. He had a
17 psychiatry appointment or something. The doctor refer
18 him to a psychiatrist.

19 Q. Okay. Do you remember what time of the day
20 this was?

21 A. Daytime.

22 Q. I'm sorry?

23 A. It was daytime that he was going to go to the
24 doctor.

25 Q. Now, this might be hard for you to think

1 back, but think back for me. Was this before noon or
2 was this after noon?

3 A. It must have been after noon. I don't know.

4 Q. How long was he gone with the vehicle that
5 day?

6 A. Oh, no. I don't know. I cannot remember
7 that.

8 Q. Well, I mean by that, was it only a couple
9 minutes or was it hours?

10 A. He had it hours.

11 Q. He had it hours?

12 A. Yeah.

13 Q. Now --

14 MR. COOPER: Court's indulgence.

15 BY MR. COOPER:

16 Q. Did your son live with you?

17 A. Off and on. He had -- he used to be with his
18 girlfriend, so he used to be with her.

19 Q. I'm talking about January 6, 2015. Did he
20 live with you?

21 A. I can't remember. I don't remember. His
22 girlfriend may be able to answer that. I don't
23 remember.

24 Q. Okay. Well, when he had the key to your car,
25 there was times where he didn't live with you and had a

1 key to your car?

2 A. Yes.

3 Q. So would he just come over to your apartment
4 and just take the car and go?

5 A. Yes. If he didn't need it, he would leave it
6 there, and then I would be able to use it. At that
7 time, like I was saying, I was able to walk. I didn't
8 need it.

9 Q. So your son was the primary user of that
10 vehicle then?

11 MR. QAZI: I object.

12 MR. COOPER: And for what reason?

13 THE COURT: Well --

14 MR. QAZI: Relevancy.

15 THE WITNESS: Both.

16 THE COURT: I think we've established --

17 MR. QAZI: It's her vehicle.

18 THE COURT: -- mutual control of the vehicle.

19 Yes?

20 MR. COOPER: I'm sorry, Your Honor. Was
21 that --

22 THE COURT: I guess he controlled it. He can
23 own, possess, and drive it.

24 MR. COOPER: Well, she's saying she walked
25 everywhere.

1 THE COURT: Yes.

2 MR. COOPER: So that's why I'm just asking --
3 and I'm obviously allowed to lead on cross, and she can
4 answer the question any way she wants. I don't know
5 why that question was objected to.

6 MR. QAZI: Your Honor, she also said she was
7 off and on. It's her vehicle.

8 THE COURT: You guys are killing me. Go
9 ahead and ask the question. I mean this horse ain't
10 going to die any further.

11 MR. COOPER: I know, Your Honor.

12 THE COURT: So the fact is this car was made
13 available to a lot of people. That's what she's
14 testified to.

15 MR. COOPER: Allegedly.

16 THE COURT: There were three people that she
17 specifically stated. He had the keys, was able to use
18 it, use it at any time. He didn't even have to tell
19 her. He could grab the keys. Whether he lived there
20 or not lived there --

21 MR. COOPER: Right.

22 BY MR. COOPER:

23 Q. I guess to just follow up my question: You
24 said you walked most of the time. When you went to
25 work and everything like that, you were walking, right?

1 A. Uh-huh.

2 THE COURT: Yes?

3 BY MR. COOPER:

4 Q. I'm sorry. Was that a "yes"?

5 A. Yes.

6 Q. And these other people would only use the car
7 occasionally; is that safe to say?

8 A. Yes.

9 Q. So the primary user of that vehicle, was that
10 the defendant? And by "primary," I mean --

11 A. Both. Both.

12 Q. -- the person that used the vehicle the most.
13 Was that the defendant? I'm sorry. Was that your son?

14 A. No. I would say half and half.

15 Q. You and your son used the vehicle half and
16 half?

17 A. Yes.

18 Q. That's fine. So do you own any guns?

19 A. What's that?

20 Q. Do you own any guns?

21 A. No.

22 Q. Do you --

23 THE COURT: Really? You can ask the
24 question, but ...

25 MR. COOPER: Court's indulgence.

1 THE COURT: I'm not stopping you.

2 BY MR. COOPER:

3 Q. Did you ever put a gun in the vehicle?

4 A. No.

5 Q. And the two people that had keys to the
6 vehicle were you and your son? I think that's what you
7 said, right? You had a set of keys to the vehicle?

8 A. Yeah.

9 Q. And your son had a set of keys to the
10 vehicle?

11 A. Yes.

12 Q. Those are the only two sets of keys?

13 A. Yes.

14 Q. You didn't put any drugs in the car, right?

15 THE COURT: Ma'am, answer yes or no.

16 THE WITNESS: No.

17 BY MR. COOPER:

18 Q. You didn't smoke marijuana in the car?

19 A. No, I didn't.

20 MR. QAZI: I object.

21 THE COURT: Well, I'm going to allow the
22 question to stand.

23 BY MR. COOPER:

24 Q. And you don't own a black revolver or
25 anything like that, do you?

1 A. No. No.

2 Q. Do you have any other children?

3 A. No.

4 Q. Okay. And when your -- did anyone else live
5 in your --

6 THE COURT: Are you okay, ma'am? Do you need
7 to stand up?

8 THE WITNESS: Yes.

9 THE COURT: You may stand up. If you feel
10 comfortable standing up.

11 MR. COOPER: I'm so close to being done, Your
12 Honor. I know I've beat this horse, but just maybe two
13 more questions.

14 THE COURT: All right.

15 BY MR. COOPER:

16 Q. When you lived with your son, did anyone else
17 live there?

18 A. No.

19 Q. I'm sorry. Was that a "no"?

20 A. No.

21 Q. Okay. And in the whole month of January, did
22 anyone else live in your apartment with you, other --

23 MR. QAZI: I object. What's the relevancy?

24 THE COURT: Let him finish the question.

25

1 BY MR. COOPER:

2 Q. -- other than either just yourself or you
3 with your son?

4 THE COURT: I'll allow the question to stand.

5 THE WITNESS: My grandson.

6 BY MR. COOPER:

7 Q. How old is your grandson?

8 A. Five years old.

9 Q. Is that -- I'm assuming that's your son's
10 child?

11 A. Yes.

12 MR. COOPER: No further questions, Your
13 Honor.

14 THE COURT: All right. Any redirect? Any
15 more questions you wish to ask, follow-up questions?

16 MR. QAZI: No, sir.

17 THE COURT: Is she free to leave?

18 MR. QAZI: Yes.

19 THE COURT: Ma'am, hold on a second. We may
20 be able to help you down. Miss Qazi, thank you for
21 your testimony. Please do not discuss your testimony
22 with any other witnesses.

23 Defense, anything further? Any other
24 witnesses you wish to call at this time?

25 MR. QAZI: No.

1 THE COURT: All right. You rest at this
2 time?

3 MR. QAZI: Can we argue the case?

4 THE COURT: Well, yes. But I'm asking you
5 this: One other thing is do you understand you have a
6 right to testify and a right not to testify? Are you
7 going to be testifying --

8 MR. QAZI: I'll rest.

9 THE COURT: -- at this proceeding here today?

10 MR. QAZI: I'll rest.

11 THE COURT: So you're deciding not to
12 testify.

13 Do you understand that?

14 MR. QAZI: Yes.

15 THE COURT: Now, you're not giving up any
16 rights to testify at any other proceedings.

17 MR. QAZI: I understand.

18 THE COURT: It's just this proceeding. This
19 proceeding only.

20 MR. QAZI: I understand.

21 THE COURT: And you understand that nobody
22 can comment on the fact of whether you decide to
23 testify or not to testify. So I can't say you should
24 have testified or should not have testified.

25 Do you understand?

1 MR. QAZI: Yes.

2 THE COURT: This is your decision to make.

3 You are counsel of -- so you've decided not to testify,
4 correct, sir?

5 MR. QAZI: That's correct.

6 THE COURT: All right. Defense has rested.
7 State, save and rebut?

8 MR. COOPER: Save and rebut, Your Honor.

9 THE COURT: Defense, your argument.

10 MR. QAZI: There's a lot of inconsistencies
11 in the arrest reports and, you know --

12 MR. COOPER: Objection, Your Honor. Arguing
13 facts not in evidence.

14 THE COURT: Let me stop you there. All I
15 focus on is what was presented here.

16 MR. QAZI: Okay.

17 THE COURT: The arrest reports, I'm not
18 looking to.

19 MR. QAZI: Well, it was part of what was
20 said.

21 THE COURT: It was -- no. Well, what was
22 testified here is what we're focusing on.

23 MR. QAZI: Well, let's start with Officer
24 Glover. Throughout the whole case and from the arrest
25 report, it clearly says that he was the arresting

1 officer that handcuffed me and, you know, that arrested
2 me.

3 THE COURT: Yes.

4 MR. QAZI: So why would the arrest report,
5 the filing -- how do you call it -- the booking sheet
6 and all documents have Officer Bien as arresting
7 officer?

8 THE COURT: All right. This is a probable
9 cause hearing, though.

10 Do you understand that?

11 MR. QAZI: Yes. I understand.

12 THE COURT: So all I'm really focusing on --
13 and there may be some inconsistencies and you've
14 brought some out. You brought out about searches and
15 stuff like that. That's a question that needs to be
16 addressed. I'm looking at was there a crime? Is it a
17 possibility you committed the crime.

18 Most of these issues that you're going to be
19 talking about have to be -- are going to be focused on
20 at a later date.

21 Do you understand?

22 MR. QAZI: Well, the other thing is where is
23 the probable cause that the officer really did smell
24 marijuana? And, you know, if there was any exigent
25 circumstances or anything for him to go forward without

1 a warrant, to do a warrantless search like that.
2 Unless there's like an exception to the warrant
3 requirement, that's a violation of the fourth amendment
4 to the Constitution.

5 THE COURT: All right.

6 MR. QAZI: Also, as far as the unlawful frisk
7 which produced crystal gemstones that were removed from
8 my pocket and also was never recovered, was basically
9 lost or stolen by officers, so. I believe I'm being
10 held unconstitutionally. Everything from the very
11 start. I rest my case.

12 THE COURT: All right. State.

13 MR. COOPER: Your Honor, I think obviously
14 slight or marginal evidence has been met in this case.
15 Specifically, he was the only occupant of the vehicle.
16 You heard his mother testify that he did, in fact, have
17 keys to the vehicle. You heard her testify that she
18 put no gun in the vehicle. She owned no guns, didn't
19 know anything about a black revolver, nor did she know
20 anything about drugs.

21 The only two people that had access to that
22 vehicle with actual keys are the defendant and his
23 mother. And the defendant obviously was driving the
24 vehicle when it was pulled over and, in fact, in the
25 vehicle we found marijuana, which the officer testified

1 to, that in his training and experience, was consistent
2 with that of sell.

3 We had methamphetamine, which the officer
4 testified to, that in his training and experience, was
5 consistent with sell. It was all in the defendant's
6 possession. Whether he wants to say it was -- I mean,
7 whether it was actual or constructive, it was all in
8 his possession. And at the very, very least, it was
9 joint, because it was in possession of his mother as
10 well, because she had access to the vehicle. However,
11 obviously, I don't think she had anything to do with
12 it, according to her own testimony.

13 THE COURT: All right.

14 MR. COOPER: But, Your Honor, it's --

15 THE COURT: The stop that he's talking about,
16 the exigent circumstances, address that very --

17 MR. COOPER: And, Your Honor, the exigent
18 circumstances, the Nevada Supreme Court has previously
19 stated. I forget the case name now, off the top of my
20 head. But, essentially, they have changed the
21 requirement for search warrants needed on an
22 automobile. That requirement now is consistent with
23 the federal law, which says that there only need to be
24 probable cause, to search a vehicle without a search
25 warrant.

1 The probable cause stems from the fact that
2 the officer did testify that in his training and
3 experience he smelled marijuana. It was consistent
4 with marijuana, in his training and experience, and he
5 removed the defendant from the vehicle, which he's
6 lawfully allowed to do, under case law. And he
7 subsequently searched the vehicle, which he's lawfully
8 allowed to do, under case law, and that search yielded
9 the drugs. Which at that point, the defendant, there
10 was enough probable cause to arrest him, and they got
11 the search warrant for the vehicle.

12 THE COURT: All right. Here's what we've
13 got. Mr. Qazi, here's what we've got. This is a
14 probable cause hearing, which means slight or marginal
15 evidence of whether or not there's some evidence to say
16 that you may or may not have committed the crime. We
17 did get a judgment of conviction, certified copy, which
18 shows you're an ex-felon. There was a car that you
19 were driving where they found a firearm, and there was
20 some controlled substance packaged in a manner which
21 may give some indication there was an intent to sell,
22 because of the ways they were set.

23 There's some issues you brought up about
24 searches and stuff. I understand the pat-down and then
25 the subsequent search into the pocket. That may or may

1 not be a violation. That may have exceeded the scope
2 of the pat-down. Unfortunately, you were relying upon
3 other case law, prior case law of the Supreme Court
4 which allows a search of a vehicle because of its
5 mobility, based only on probable cause, without a
6 search warrant.

7 MR. QAZI: Which is unlawful.

8 THE COURT: Well, that's an argument that the
9 Nevada Supreme Court has taken up and has made a ruling
10 on, which was just a recent ruling. I'll give you
11 that. It was only a few months ago that they made that
12 ruling.

13 So based on that, I do find that the State
14 has met its burden at the probable cause hearing at
15 this time.

16 I am going to hold you to answer these
17 charges up in the Eighth Judicial District Court. It's
18 an out of custody return court date. He's currently in
19 custody only on federal matters. We don't have him in
20 custody on these, right?

21 MR. COOPER: I believe he's not in custody on
22 this matter.

23 THE COURT: I'm going to hold you to answer
24 these matters up in the Eighth Judicial District Court
25 on the next return court date.

1 That date is going to be:

2 MR. QAZI: Your Honor.

3 THE CLERK: July 2nd, 10:00 a.m., lower
4 level, Courtroom A.

5 THE COURT: Yes, sir.

6 MR. QAZI: Am I -- is there still bail
7 posted? Is it revoked?

8 THE COURT: You're not in custody in this
9 case.

10 MR. QAZI: Well, what I want to know is: Is
11 it revoked, because from what my mother was telling me,
12 that she was still paying the bail.

13 THE COURT: She doesn't have to pay the bail.

14 MR. QAZI: I told her not to. She doesn't
15 understand what's going on.

16 MR. COOPER: Your Honor, obviously, if the
17 defendant wants to be remanded -- he can't be remanded
18 on this case, because he's in federal custody.

19 MR. QAZI: Basically, what I want is the bail
20 to be --

21 THE COURT: The bond is exonerated. So
22 because you're in federal custody, we're giving you an
23 out of custody date.

24 Now, again, Mr. Qazi, you have asked a lot of
25 questions, pertinent questions. I understand where

1 you're going with the search and everything. I
2 understand. And that's kind of the same thing that I
3 would have done as a defense attorney.

4 That being said, I'm going to ask you to
5 please reconsider representing yourself on this matter.
6 And I would ask that you consider having Miss Waldo
7 take over this matter. Again, you're going to have to
8 re-address, as to the issue of Faretta, whether you
9 should continue to represent yourself, but I think you
10 could work together with Miss Waldo, because she's seen
11 what kind of questions and where you're going at. But
12 I would prefer to have somebody who's educated and
13 trained in the law representing you.

14 Do you understand?

15 MR. QAZI: Uh-huh.

16 THE COURT: You are facing a federal matter,
17 which this can have an effect on you. There's a lot of
18 issues here, which I'm sure Miss Waldo will talk to you
19 about. So, again, I'm going to urge you to consider
20 that, and at the time of arraignment, you can make that
21 determination. All right?

22 MR. QAZI: Okay. Can I ask?

23 THE COURT: Court is in recess.

24 MR. QAZI: Can I ask a question to the Court?

25 THE COURT: I have ten minutes to go before

1 the next case.

2 MR. QAZI: Is it both -- both venues proper
3 in federal and state to try me?

4 THE COURT: Yes.

5 MR. COOPER: We previously addressed this,
6 Your Honor.

7 MR. QAZI: Another thing.

8 THE COURT: Ex-felon in possession is a
9 federal offense and a State offense. If it's Fed's
10 filed this and you're convicted or plead on that, then
11 the State statute, as I still recall the last time I
12 saw it, was that they could not go forward -- the State
13 could not. That doesn't mean the Fed's can't.

14 MR. QAZI: So they cannot convict twice, but
15 they can try it twice?

16 MR. COOPER: The State -- if the State
17 convicts first, the Fed's can then convict again.

18 THE COURT: Yes. This is something that --

19 MR. QAZI: Another thing, though, is that at
20 arraignment, I believe that the gun was dismissed here,
21 so I would like to bring that up, because it was
22 dismissed, and then it was brought back up on the last
23 hearing.

24 THE COURT: I don't think we ever
25 dismissed -- they thought they were going to dismiss,

1 and that's why --

2 MR. QAZI: No. It was --

3 THE COURT: -- Miss Doyle --

4 MR. QAZI: -- considered dismissed.

5 THE COURT: Then get the transcripts, and if
6 it was dismissed, then you can address that.

7 (The proceedings concluded.)

8

9 * * * * *

10 ATTEST: Full, true, and accurate
11 transcript of proceedings.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

/S/ Jennifer O'Neill
JENNIFER O'NEILL, CCR No. 763

REPORTER'S CERTIFICATE

STATE OF NEVADA)

COUNTY OF CLARK)

I, Jennifer O'Neill, a certified court reporter
in and for the State of Nevada, hereby certify that
pursuant to NRS 239B.030 I have not included the Social
Security number of any person within this document.

I further certify that I am not a relative or
employee of any party involved in said action, nor a
person financially interested in the action.

Dated in Las Vegas, Nevada this 7th day of July,
2015.

/S/ Jennifer O'Neill
JENNIFER O'NEILL, CCR No. 763

-	9	105/12 108/21
-oOo [3] 1/6 2/24 3/2	916ARL [1] 14/3	alleged [3] 23/7 23/17 27/9
.	9:00 [1] 3/1	Allegedly [1] 95/15
.22 [2] 42/22 44/16	A	allow [16] 5/15 22/15 29/5 32/8
.22-caliber [2] 42/22 44/16	a.m [2] 3/1 107/3	38/16 43/21 48/25 56/4 56/17 61/2
.4 [3] 50/11 50/13 50/14	ability [3] 6/24 7/3 19/2	65/8 66/22 67/12 77/18 97/21 99/4
.4 grams [1] 50/11	able [16] 6/12 7/8 7/20 9/15 9/15	allowed [8] 9/13 36/15 43/18 73/19
1	18/24 56/14 56/24 74/17 75/11 75/16	92/4 95/3 105/6 105/8
1.2 [1] 47/16	93/22 94/6 94/7 95/17 99/20	allows [2] 36/8 106/4
100 percent [1] 61/20	about [48] 5/5 5/8 5/9 5/11 19/20	allows an [1] 36/8
10:00 a.m [1] 107/3	26/4 28/3 28/8 29/25 37/1 43/20 45/2	almost [2] 43/18 62/21
11 [1] 2/6	46/1 48/1 51/10 56/2 60/10 62/3 62/4	along [3] 45/9 65/14 65/25
11:00 [2] 81/24 81/25	63/4 63/21 67/13 69/15 73/7 73/8	already [2] 69/16 88/19
12 [1] 51/8	77/11 79/1 79/1 82/8 82/9 84/4 84/5	also [21] 1/24 6/15 9/13 9/15 9/17
12 years [1] 50/20	85/21 86/1 87/6 88/24 89/23 90/15	9/18 10/13 13/9 16/21 34/13 36/6
15 [3] 9/21 10/3 23/23	91/8 91/11 93/19 102/14 102/19	39/19 51/17 68/18 69/24 75/18 78/16
15 yards [1] 67/13	103/19 103/20 104/15 105/23 108/19	88/12 95/6 103/6 103/8
1500 [2] 12/14 19/20	above [1] 45/1	although [1] 54/25
15F00233X [3] 1/9 3/4 3/15	academy [1] 14/19	always [5] 14/9 46/24 78/18 78/18
1756 [1] 66/6	access [2] 103/21 104/10	91/9
1756 hours [3] 65/4 65/21 66/15	according [6] 54/10 54/19 59/10	am [6] 6/4 30/20 46/16 106/16 107/6
1803 [7] 63/6 63/14 63/21 63/23	65/2 65/3 104/12	111/9
65/9 65/23 66/5	accurate [1] 110/10	amendment [1] 103/3
1803 hours [1] 64/22	acquainted [2] 81/8 81/8	amount [3] 49/21 50/10 51/16
19 [1] 2/6	acting [1] 41/4	amounts [1] 49/25
1st [5] 84/5 87/6 89/23 89/24 90/15	action [2] 111/10 111/11	analysis [1] 35/23
2	activated [2] 23/12 23/13	and 3 [1] 48/10
20 feet [3] 25/10 25/11 25/13	activity [1] 15/25	another [4] 52/4 76/17 109/7 109/19
2014 [2] 54/11 54/12	actual [3] 64/23 103/22 104/7	answer [17] 19/3 33/4 56/14 56/24
2015 [16] 1/18 3/1 12/5 12/11 41/1	actually [8] 14/16 15/3 17/15 17/21	58/17 61/1 61/2 75/1 78/11 80/17
54/12 54/13 65/21 79/12 80/23 80/24	18/1 22/7 76/14 92/14	82/17 90/19 93/22 95/4 97/15 106/16
81/16 82/22 86/14 93/19 111/13	adding [1] 75/1	106/23
23 [2] 1/18 3/1	additional [1] 6/18	answered [3] 20/16 31/25 88/20
239B.030 [1] 111/7	address [5] 31/9 68/15 104/16 108/8	answers [2] 57/19 58/1
25 miles [1] 24/4	110/6	any [67] 4/21 5/21 9/3 9/6 10/15
273567 [1] 39/24	addressed [2] 102/16 109/5	12/16 15/25 16/18 18/11 18/13 18/14
2nd [1] 107/3	adequate [1] 14/16	21/11 21/13 27/23 28/8 28/11 29/15
3	admission [1] 71/22	30/11 31/7 33/11 34/14 35/19 36/5
35 [3] 24/7 24/9 24/14	admit [2] 40/1 48/8	36/22 37/6 38/11 39/4 39/9 40/3
370 [1] 28/19	admitted [5] 2/19 48/18 48/20 70/8	43/18 48/10 48/14 53/6 54/17 59/21
370 East [1] 12/25	71/16	59/22 60/1 60/16 60/21 61/3 61/11
3:00 p.m [1] 12/14	advice [3] 18/12 18/23 34/13	61/13 67/2 69/19 70/16 71/2 71/15
4	affidavit [2] 66/7 66/12	79/18 79/22 84/13 92/4 95/4 95/10
40 [3] 2/9 2/21 82/25	affidavits [1] 10/15	95/18 96/18 96/20 97/14 98/2 99/14
40 hours [1] 82/23	after [12] 26/7 35/3 35/13 42/14	99/14 99/22 99/23 100/15 100/16
48 [2] 2/22 2/23	56/23 62/17 63/4 73/25 79/2 91/4	102/24 111/8 111/10
5	93/2 93/3	anybody [6] 5/20 8/3 28/7 37/25
54 [1] 2/9	again [14] 20/17 26/20 32/16 50/3	37/25 38/1
6	62/16 65/12 66/8 66/14 77/20 80/7	anyone [11] 13/9 13/19 28/3 37/18
6th [11] 12/4 82/7 84/5 87/7 87/8	107/24 108/7 108/19 109/17	38/3 41/12 79/6 81/10 98/4 98/16
87/10 89/9 89/24 90/16 91/12 91/12	against [1] 9/11	98/22
7	ago [2] 36/8 106/11	anything [32] 5/16 8/11 15/24 16/11
71 [1] 2/10	agree [4] 25/9 25/15 63/9 65/13	27/5 29/15 29/25 29/25 30/24 32/1
72 [1] 2/14	ahead [8] 49/4 50/6 67/12 77/8	32/10 38/11 42/8 44/22 55/24 58/16
763 [3] 1/25 110/15 111/15	77/19 83/24 83/25 95/9	60/10 60/11 67/18 67/22 71/18 74/13
7:30 [2] 81/24 81/25	ain't [1] 95/9	75/6 80/21 90/22 92/8 97/25 99/23
7th [1] 111/12	all [78] 3/10 5/19 7/19 8/15 8/18	102/25 103/19 103/20 104/11
8	9/10 9/19 9/25 10/6 10/22 14/8 14/9	anything that's [1] 58/16
80 [1] 2/14	14/9 15/2 18/19 19/15 19/19 21/13	apart [1] 61/13
	22/4 25/20 27/17 29/8 30/13 31/25	apartment [12] 85/1 85/6 85/10
	34/21 35/25 46/22 47/5 50/8 50/9	85/13 85/14 85/14 85/15 85/17 86/20
	51/21 52/20 53/22 56/13 56/20 57/11	89/6 94/3 98/22
	60/4 60/21 61/10 62/7 62/25 66/1	Apartments [4] 12/25 17/13 19/23
	69/1 69/14 70/14 71/6 72/2 72/6	21/24
	72/20 72/22 73/17 75/4 75/10 79/4	apologize [1] 49/23
	79/25 80/1 80/6 82/14 86/15 86/19	apparent [2] 16/15 17/7
	86/24 89/22 91/11 98/14 99/14 100/1	APPEARANCES [1] 1/19
	101/6 101/14 102/6 102/8 102/12	appeared [1] 28/23
	103/5 103/12 104/5 104/7 104/13	appears [1] 71/21
		applicant [1] 64/18

A	<p>application [9] 62/23 63/12 63/24 64/18 64/24 65/16 65/20 66/7 66/11 applied [4] 42/16 63/16 63/22 66/6 apply [3] 13/3 24/18 37/8 appointment [1] 92/17 approach [11] 11/13 25/21 26/24 26/25 27/1 27/2 43/24 45/14 48/22 50/2 65/25 approached [3] 14/7 25/24 68/7 approaching [1] 12/24 approved [3] 63/15 65/9 66/5 approximately [2] 17/11 24/20 are [38] 3/12 3/17 3/19 7/11 7/15 8/8 8/9 11/19 14/2 42/21 45/2 47/17 48/11 52/7 53/6 54/14 54/16 55/7 64/18 69/9 73/2 73/8 77/10 81/11 81/22 83/17 84/7 91/12 91/12 92/13 95/8 97/12 98/6 100/6 101/3 102/19 103/22 108/16 area [11] 15/19 15/19 16/9 28/21 29/12 41/9 55/15 58/24 58/25 59/4 75/6 argue [1] 100/3 Arguing [1] 101/12 argument [3] 67/11 101/9 106/8 argumentative [5] 29/23 33/8 33/9 86/25 90/3 armed [1] 28/17 around [5] 67/18 86/4 88/5 89/15 89/18 arraignment [2] 108/20 109/20 arrest [19] 37/13 43/2 54/7 54/10 54/19 54/22 54/24 56/5 56/5 56/14 56/17 63/4 65/2 74/10 101/11 101/17 101/24 102/4 105/10 arrested [3] 35/8 54/21 102/1 arresting [7] 54/14 54/16 54/21 54/25 55/1 101/25 102/6 arrival [2] 44/25 62/24 arrived [2] 61/6 69/4 as [78] 5/1 6/8 6/8 6/16 9/5 9/23 11/5 11/6 11/21 11/25 12/24 14/7 14/10 14/15 14/17 14/23 14/24 14/24 15/8 15/10 16/14 16/14 16/19 25/4 25/4 25/5 25/5 32/18 36/16 36/19 37/3 38/15 38/17 39/19 39/21 40/14 40/15 40/18 41/5 42/9 42/9 42/12 43/4 45/9 45/19 48/23 48/25 49/7 50/7 51/4 51/8 51/18 53/4 56/18 59/5 59/15 64/7 64/7 67/4 68/1 69/21 69/25 69/25 72/13 72/14 73/12 73/12 83/10 83/11 90/9 90/12 102/6 103/6 103/6 104/9 108/3 108/8 109/11 ashtray [10] 55/12 57/4 57/4 57/5 57/8 57/12 59/4 59/5 59/16 59/18 ashtrays [1] 58/14 ask [28] 7/13 18/13 20/17 21/23 27/18 28/8 28/11 30/25 34/1 35/25 36/3 36/25 37/1 37/25 43/20 57/25 59/15 61/24 64/5 83/15 83/16 95/9 96/23 99/15 108/4 108/6 108/22 108/24 asked [10] 20/15 26/3 26/23 52/24 62/3 81/1 82/20 88/20 91/24 107/24 asking [13] 22/7 22/10 30/20 33/22 52/13 53/7 53/8 60/18 60/20 76/6 83/21 95/2 100/4 assigned [2] 21/3 21/6 assistance [1] 18/14</p>	<p>assume [1] 59/7 assumed [1] 54/23 assuming [9] 22/8 22/12 23/1 23/4 27/6 29/22 30/9 52/20 99/9 at [80] 4/22 9/12 10/5 13/5 15/13 15/15 16/8 16/15 18/19 19/2 19/20 23/25 24/4 24/9 24/14 25/19 25/21 26/21 28/1 28/8 34/9 35/8 37/17 38/6 38/19 39/3 39/16 41/13 41/15 42/4 45/22 47/3 48/7 48/18 52/3 54/17 57/13 57/22 60/21 61/5 62/7 63/11 63/13 63/23 64/16 64/21 65/9 65/21 66/5 66/7 66/14 68/6 69/12 69/25 71/13 71/17 75/4 81/20 83/18 87/12 88/10 90/8 91/12 91/13 92/13 94/6 95/18 99/24 100/1 100/9 100/16 102/16 102/20 104/8 105/9 106/14 106/14 108/11 108/20 109/19 at 1803 [1] 65/9 attack [1] 34/3 attention [3] 12/4 40/25 75/20 ATTEST [1] 110/10 attested [1] 65/18 attorney [6] 1/21 7/7 7/12 34/15 36/13 108/3 Aunt [1] 74/7 authority [3] 67/2 67/21 68/21 automobile [2] 36/7 104/22 available [1] 95/13 avoid [1] 13/4 aware [7] 14/2 20/23 41/25 42/21 47/17 51/23 52/7 away [6] 37/21 67/7 67/13 67/14 69/13 69/14</p>	<p>86/18 88/8 89/15 90/9 104/9 104/10 105/22 106/4 107/11 107/18 107/22 108/10 109/21 become [1] 41/25 been [28] 8/16 10/4 10/7 10/12 11/5 11/22 19/15 21/2 22/24 23/11 24/4 30/10 34/7 36/12 40/14 43/1 44/8 44/11 45/18 46/25 49/10 50/19 51/13 72/13 78/17 82/20 93/3 103/14 before [9] 1/16 5/16 51/1 61/21 74/20 90/10 92/7 93/1 108/25 began [1] 66/15 begin [1] 19/6 beginning [4] 8/15 62/22 63/11 63/13 begun [1] 65/9 behalf [1] 7/22 behind [4] 4/8 18/10 18/12 74/18 being [22] 6/11 6/12 8/9 8/14 10/9 21/18 33/13 35/15 37/21 40/4 50/16 59/17 60/22 63/22 67/20 67/24 68/16 88/5 89/19 98/11 103/9 108/4 believe [20] 4/3 14/4 18/9 20/6 23/15 24/6 24/17 25/21 26/21 28/15 29/17 32/22 33/6 33/7 35/6 37/20 56/5 103/9 106/21 109/20 belly [1] 6/14 belong [3] 76/18 76/23 77/5 beside [1] 8/6 best [2] 6/8 59/24 better [1] 90/10 between [8] 17/4 17/5 25/7 58/22 59/4 89/22 90/15 90/15 beyond [1] 78/25 BIEN [11] 2/8 39/13 39/13 39/16 40/13 40/18 40/25 54/4 54/5 59/17 102/6 big [3] 58/7 58/7 77/1 bit [1] 28/23 black [10] 16/13 16/15 41/18 55/9 76/17 77/7 77/10 78/4 97/24 103/19 body [6] 21/11 29/16 30/2 30/14 30/17 31/6 bond [1] 107/21 booking [1] 102/5 books [1] 8/23 borrow [2] 79/14 87/24 borrowed [1] 88/12 both [9] 46/14 46/16 46/17 74/21 94/15 96/11 96/11 109/2 109/2 bottom [1] 49/5 box [2] 77/10 78/4 boy [1] 40/19 brakes [3] 13/3 24/15 24/18 brief [1] 64/9 briefing [2] 42/10 62/20 briefly [2] 3/9 12/21 bring [4] 7/20 9/13 87/25 109/21 bringing [2] 7/23 34/21 brought [6] 31/15 89/16 102/14 102/14 105/23 109/22 building [1] 85/9 bunch [1] 46/18 burden [1] 106/14 bureau [1] 52/5 burnt [1] 17/1 but [52] 7/2 8/9 8/21 9/14 9/19 9/20 10/2 13/25 17/7 17/15 18/12 19/1 22/24 23/3 24/17 32/9 34/8 36/6 36/17 37/24 52/1 52/25 53/9 55/25</p>
B	<p>B-I-E-N [1] 39/13 back [12] 3/11 26/8 26/14 39/25 80/23 85/22 87/25 89/17 91/5 93/1 93/1 109/22 background [1] 74/6 badges [1] 67/22 bag [5] 16/5 16/5 16/20 47/18 48/2 baggies [5] 16/21 51/10 51/15 51/18 51/19 bags [4] 47/18 48/2 50/8 50/10 bail [4] 107/6 107/12 107/13 107/19 based [14] 14/12 15/7 29/1 34/3 34/4 34/5 36/16 42/17 43/21 51/8 51/12 71/2 106/5 106/13 basically [7] 5/11 18/11 34/4 58/13 66/4 103/8 107/19 be [72] 4/16 4/18 4/20 4/22 5/1 5/2 5/4 5/7 5/23 6/4 6/15 7/1 7/8 7/12 8/20 11/2 11/7 14/16 16/6 16/22 18/24 19/3 22/7 28/23 29/23 30/7 30/9 30/12 32/12 34/14 38/17 40/10 40/16 43/15 48/17 53/11 53/19 55/23 56/14 56/18 61/17 62/12 67/17 68/14 71/21 72/3 72/10 74/16 75/5 75/11 77/16 86/19 86/20 87/10 92/25 93/17 93/18 93/22 94/6 99/20 100/7 102/13 102/15 102/18 102/19 102/19 104/23 106/1 107/1 107/17 107/17 107/20 bearing [1] 42/22 beat [1] 98/12 because [42] 5/1 6/6 6/24 9/11 9/25 10/4 25/24 30/8 30/10 31/1 33/7 34/22 35/18 42/24 60/11 68/13 69/18 70/9 75/9 75/12 75/20 75/25 76/16 78/10 78/15 82/20 85/12 86/7 86/15</p>		

B	CERTIFICATE [1] 111/1	consoles [9] 58/4 58/6 58/9 58/11
but... [28] 65/11 66/14 74/22 74/23	certified [8] 39/22 39/25 40/4 46/25	59/21 60/1 60/21 75/4 91/7
75/11 76/18 77/5 79/15 81/14 82/19	47/3 47/4 105/17 111/5	Constitution [1] 103/4
84/20 85/23 87/13 87/16 87/20 88/13	certify [2] 111/6 111/9	constitutional [2] 8/14 8/16
90/12 91/16 92/12 93/1 96/24 98/12	chains [1] 6/14	constructive [1] 104/7
100/4 104/14 104/20 108/9 108/11	changed [2] 82/20 104/20	consult [1] 18/19
109/14	charges [2] 30/8 106/17	contact [5] 32/17 41/24 85/20 86/13
C	check [1] 46/18	86/22
C-15-307496-1 [1] 1/1	chief [1] 9/12	contained [2] 32/15 49/24
caliber [2] 42/22 44/16	child [1] 99/10	continuance [1] 10/5
call [10] 37/8 38/22 62/7 62/18 65/21	children [1] 98/2	continuation [1] 64/14
71/25 73/24 80/9 99/24 102/5	cigarette [1] 86/20	continue [2] 64/15 108/9
called [5] 5/1 11/5 40/14 72/13 75/17	circumstances [10] 35/19 35/24	continued [4] 10/8 10/12 10/14
calling [1] 4/22	36/2 36/5 36/22 36/25 42/12 102/25	10/17
calls [4] 28/20 33/19 35/24 36/25	104/16 104/18	contraband [4] 31/7 32/13 37/20
cam [1] 30/18	civilian [3] 66/19 66/24 68/18	42/2
came [12] 22/19 23/8 23/9 26/3	claiming [1] 55/6	control [2] 54/23 94/18
26/14 28/23 32/10 39/23 41/24 78/7	clarify [1] 73/6	controlled [2] 94/22 105/20
88/14 89/16	CLARK [4] 1/5 17/16 71/6 111/3	conversation [1] 66/15
camera [8] 20/10 20/12 20/14 20/20	clear [2] 16/5 73/13	convict [2] 109/14 109/17
20/22 21/4 30/3 30/14	clearly [1] 101/25	convicted [3] 26/22 28/22 109/10
cameras [1] 21/11	clerk [3] 11/2 40/10 72/10	conviction [4] 39/23 39/23 40/5
can [71] 3/8 4/23 6/9 6/13 6/18	close [3] 74/17 83/3 98/11	105/17
6/19 6/21 7/13 9/16 10/6 10/17 11/7	closer [1] 72/20	convicts [1] 109/17
17/3 18/14 18/19 19/3 19/5 19/6	clothes [3] 66/24 69/1 69/17	Cook [1] 4/12
20/24 22/14 23/21 27/18 32/14 34/10	clothing [2] 66/19 68/18	COOPER [5] 1/20 2/6 2/9 2/10 2/14
37/1 41/15 43/17 43/20 53/9 55/16	coin [3] 32/15 32/20 32/22	cooperating [1] 70/17
55/20 56/20 58/2 58/17 61/1 61/2	colliding [1] 13/4	copies [1] 9/18
62/14 63/24 64/6 64/9 65/13 65/15	color [1] 69/17	copy [10] 10/17 39/22 39/25 40/4
65/19 65/25 66/14 66/23 70/10 72/8	colored [1] 69/6	43/3 47/23 48/12 92/1 92/2 105/17
73/11 74/6 81/1 81/2 82/17 83/3 83/5	column [1] 15/20	corner [3] 46/4 85/16 85/17
86/23 90/11 90/12 94/22 95/3 96/23	come [13] 5/15 19/24 27/4 27/11	correct [44] 14/1 14/4 14/14 17/23
100/3 100/22 108/17 108/20 108/22	32/17 36/1 36/20 39/20 52/15 72/8	19/18 19/21 19/25 20/3 24/1 24/3
108/24 109/15 109/17 110/6	88/8 89/18 94/3	24/11 26/6 26/9 26/16 29/6 29/7 31/7
can't [15] 8/20 9/5 9/7 17/5 35/25	comfortable [1] 98/10	31/13 31/17 31/23 33/3 35/5 37/15
36/18 36/24 64/24 66/9 87/13 91/21	coming [7] 7/17 15/6 26/20 28/19	38/8 38/9 41/11 42/3 42/20 44/14
93/21 100/23 107/17 109/13	40/3 48/11 48/14	44/17 45/4 45/10 46/2 46/9 50/11
cancer [1] 90/9	comment [1] 100/22	51/19 52/6 52/10 57/10 63/18 64/19
cannot [9] 5/2 6/8 7/12 8/10 74/19	committed [4] 69/23 69/23 102/17	71/6 101/4 101/5
74/20 81/3 93/6 109/14	105/16	correctly [2] 6/12 36/7
capacity [2] 11/23 11/25	common [1] 38/17	could [18] 9/8 9/9 9/25 23/11 37/19
car [48] 5/9 5/10 25/4 25/8 25/10	commonly [1] 51/14	38/4 38/6 45/8 59/7 67/15 67/17
30/20 31/15 35/3 37/17 37/20 38/4	complaint [1] 71/20	67/17 69/20 78/14 95/19 108/10
38/6 58/5 58/11 58/11 59/22 60/20	complete [1] 19/24	109/12 109/13
69/17 73/19 74/23 74/24 76/18 76/23	completely [1] 14/10	couldn't [1] 86/22
77/5 78/18 79/6 83/22 84/16 84/20	completing [1] 29/14	counsel [6] 4/4 18/9 18/10 18/20
85/23 86/7 87/3 88/12 89/2 89/25	complex [5] 85/2 85/7 85/11 85/15	82/5 101/3
90/5 91/25 92/4 92/8 92/14 93/24	89/6	counting [1] 25/6
94/1 94/4 95/12 96/6 97/14 97/18	complexity [1] 66/13	COUNTY [4] 1/5 17/16 71/6 111/3
105/18	compound [2] 27/25 37/22	couple [1] 93/8
carry [2] 32/18 51/14	concluded [1] 110/7	course [1] 62/5
case [17] 1/1 1/9 31/1 39/24 66/14	conclusion [6] 33/23 34/4 35/24	courses [1] 14/23
100/3 101/24 103/11 103/14 104/19	36/1 37/1 38/18	court [27] 1/4 4/12 7/13 7/24 8/10
105/6 105/8 106/3 106/3 107/9	conduct [6] 12/2 28/24 42/15 45/6	8/17 9/8 12/21 13/9 15/17 34/12
107/18 109/1	45/11 51/4	36/11 36/19 37/11 41/12 56/1 70/16
caught [1] 42/11	conducted [12] 12/22 15/12 17/14	104/18 106/3 106/9 106/17 106/18
cause [14] 15/12 24/15 36/16 37/12	25/18 37/12 42/1 42/11 46/23 47/6	106/24 106/25 108/23 108/24 111/5
38/23 69/22 102/9 102/23 104/24	47/17 52/1 52/22	Court's [7] 4/15 17/19 51/20 53/20
105/1 105/10 105/14 106/5 106/14	conducting [2] 12/16 47/1	71/19 93/14 96/25
CCDC [1] 70/23	confirming [1] 20/18	Courtroom [1] 107/4
CCR [3] 1/25 110/15 111/15	consider [2] 108/6 108/19	Courtroom A [1] 107/4
CD [1] 9/13	considered [1] 110/4	cover [1] 76/6
center [23] 8/11 16/4 44/21 44/23	consistent [4] 104/1 104/5 104/22	covered [1] 68/13
45/1 55/10 55/11 55/12 56/18 57/1	105/3	covering [1] 68/6
57/2 57/3 57/5 58/10 58/20 58/21	console [30] 16/4 44/21 44/23 45/1	covers [1] 58/15
58/23 58/24 59/2 59/4 59/11 62/2	55/10 55/11 55/13 55/16 55/17 56/3	coworkers [1] 61/14
62/4	56/11 56/18 57/1 57/3 57/5 57/17	crime [7] 28/21 28/22 29/12 69/23
certain [5] 6/7 6/25 25/21 55/15	58/7 58/10 58/21 58/23 59/2 59/11	102/16 102/17 105/16
77/11	61/17 61/21 62/2 62/4 75/5 75/18	criminal [4] 15/25 26/11 42/18 71/20
	77/11 77/22	criteria [3] 29/5 29/6 29/9

C	37/16 detective [14] 39/13 39/16 40/9 40/25 41/5 50/16 51/1 52/4 52/7 52/22 54/4 54/5 59/17 68/4 detectives [3] 17/25 18/1 42/14 detention [1] 8/11 determination [1] 108/21 determine [2] 32/12 82/11 determining [1] 51/5 device [1] 58/24 dictated [1] 47/21 did [98] 7/3 10/14 12/11 13/5 15/10 15/24 16/2 16/3 16/8 16/10 16/11 16/18 17/24 18/1 18/2 18/3 19/24 21/3 22/22 23/15 24/14 24/15 24/18 25/21 26/11 26/24 27/11 27/23 28/3 28/7 28/8 28/10 28/11 28/14 28/15 28/17 28/24 34/2 36/3 41/8 41/25 42/8 42/19 45/5 45/11 45/13 46/22 46/24 47/5 47/7 51/4 53/13 54/17 58/4 60/1 60/2 60/4 60/19 61/3 61/10 61/11 61/13 62/7 62/17 63/5 67/2 68/2 68/6 70/16 70/19 73/24 74/12 76/21 76/24 81/6 81/13 83/15 83/16 84/12 85/6 85/10 85/20 86/4 86/13 87/3 87/25 91/25 93/16 93/19 97/3 98/4 98/16 98/21 102/23 103/16 103/19 105/2 105/17 didn't [26] 14/7 22/20 23/2 60/11 60/13 60/16 60/18 61/12 61/13 62/19 68/20 86/17 87/23 88/4 88/11 90/10 92/7 92/10 93/25 94/5 94/7 95/18 97/14 97/18 97/19 103/18 die [1] 95/10 difference [2] 17/4 17/5 different [12] 46/19 49/14 49/18 51/15 51/17 51/19 57/20 58/2 74/13 88/21 88/22 91/8 Direct [6] 2/6 2/9 2/14 11/17 40/23 72/23 directly [2] 83/13 87/22 discovered [2] 57/6 59/8 discuss [4] 5/21 39/9 71/15 99/21 disk [2] 9/13 9/15 dismiss [1] 109/25 dismissed [5] 109/20 109/22 109/25 110/4 110/6 dispatch [6] 27/5 27/11 27/13 27/20 27/24 28/14 distance [5] 23/20 24/19 25/3 25/5 25/7 District [3] 1/21 106/17 106/24 do [111] 3/7 3/22 4/1 4/11 4/21 4/25 5/3 5/21 7/2 7/9 8/11 8/18 9/22 12/1 12/3 12/6 12/7 12/16 12/18 13/8 13/11 14/15 14/18 14/19 14/21 14/23 15/10 17/24 18/8 18/18 18/21 18/24 19/1 19/2 21/1 21/25 22/20 23/20 25/19 27/16 29/8 30/1 30/6 30/8 30/25 31/9 33/25 39/9 39/20 41/2 41/12 42/8 44/2 45/20 45/21 45/23 46/10 46/15 46/20 46/24 48/1 48/12 55/21 55/25 56/16 58/6 60/11 60/24 62/18 63/19 64/21 65/15 71/14 71/25 72/9 75/9 75/22 78/7 81/18 81/20 82/2 82/2 82/17 83/20 85/18 87/19 88/7 89/3 89/5 90/12 92/14 92/19 96/18 96/20 96/22 97/25 98/2 98/6 99/21 100/5 100/13 100/25 102/5 102/10 102/21 103/1 104/11 105/6 105/8 106/13 108/14 doctor [4] 81/2 92/16 92/17 92/24 document [4] 43/18 43/19 43/20 111/8 documents [6] 7/20 8/23 9/6 9/9 46/18 102/6 does [12] 6/23 8/1 12/13 20/19 22/16 33/4 46/5 57/22 60/24 61/20 65/10 85/1 doesn't [17] 9/3 20/13 25/16 31/3 31/7 36/17 43/16 74/22 76/18 76/23 77/5 77/16 83/23 89/1 107/13 107/14 109/13 doing [4] 7/24 43/10 68/14 69/9 don't [71] 6/9 6/18 9/3 10/19 10/19 11/14 13/24 20/12 21/8 21/9 23/3 23/12 23/15 24/17 24/22 25/14 25/24 26/2 28/13 28/15 29/17 32/9 33/6 42/24 47/20 48/3 49/23 52/17 52/25 53/16 55/22 60/10 60/14 62/9 62/10 62/11 67/5 69/10 69/17 70/8 70/10 70/20 75/17 75/20 75/21 75/24 75/25 76/1 76/17 77/4 79/15 79/16 80/17 80/20 82/21 84/20 84/25 87/20 88/1 89/4 90/13 91/19 93/3 93/6 93/21 93/22 95/4 97/24 104/11 106/19 109/24 done [6] 36/14 59/22 61/3 64/21 98/11 108/3 door [9] 9/14 13/23 13/23 15/19 74/16 74/16 74/19 85/14 86/23 doors [1] 74/21 doubt [1] 69/15 down [20] 14/8 14/10 14/10 17/8 17/9 19/5 26/1 28/18 28/24 29/14 31/16 32/11 32/21 36/20 56/21 75/9 75/12 99/20 105/24 106/2 Doyle [1] 110/3 drive [3] 20/9 73/19 94/23 driver [3] 14/7 15/11 58/22 driver's [3] 15/19 15/19 57/3 drivers [1] 14/9 driveway [2] 13/1 23/8 driveways [1] 13/2 driving [4] 12/23 73/15 103/23 105/19 drug [3] 16/18 28/21 35/14 drug-related [1] 16/18 drugs [4] 16/18 97/14 103/20 105/9 due [3] 8/15 9/14 32/16 duly [3] 11/5 40/14 72/13 during [8] 5/2 15/2 15/21 15/25 32/11 32/21 47/4 88/10 DVD [1] 75/24
D	damage [5] 59/22 61/3 61/5 61/6 61/13 damaged [1] 61/16 dangerous [1] 28/17 dark [1] 69/6 dark-colored [1] 69/6 dash [7] 15/20 20/10 20/12 20/13 20/19 20/22 21/3 date [10] 63/12 64/25 66/8 79/9 88/24 102/20 106/18 106/25 107/1 107/23 Dated [1] 111/12 day [19] 12/6 12/8 21/11 21/14 41/2 41/4 73/9 73/15 73/19 84/6 87/10 91/14 91/15 91/16 91/18 92/12 92/19 93/5 111/12 days [3] 9/21 10/4 89/23 daytime [2] 92/21 92/23 dealing [1] 51/13 decide [2] 16/8 100/22 decided [1] 101/3 deciding [1] 100/11 decision [2] 10/10 101/2 declarations [1] 10/16 defendant [18] 1/11 1/23 13/16 15/13 41/17 41/20 42/15 43/6 52/3 53/14 80/11 96/10 96/13 103/22 103/23 105/5 105/9 107/17 defendant's [4] 39/22 42/17 52/8 104/5 defense [9] 7/25 9/18 72/21 83/13 83/17 99/23 101/6 101/9 108/3 DEFENSE'S [1] 2/12 delays [1] 10/4 department [7] 11/21 12/1 19/16 19/17 39/24 41/6 50/19 Department 7 [1] 39/24 deprived [1] 8/14 DEPT [1] 1/2 Deputy [1] 1/21 describe [8] 12/21 13/12 13/22 15/16 41/15 55/16 75/8 78/14 destinations [1] 26/4 destroy [1] 60/19 destroyed [4] 37/19 60/16 60/19 60/21 detained [4] 35/10 35/11 35/15
E	each [1] 49/20 early [1] 12/15 easily [2] 57/9 74/21 east [3] 12/25 13/1 28/19 educated [1] 108/12 effect [1] 108/17 Eighth [2] 106/17 106/24 either [2] 23/21 99/2 elicited [1] 22/25 else [17] 13/19 16/12 37/19 37/25 38/3 38/5 44/22 51/23 76/17 78/17 79/6 84/20 87/3 90/1 98/4 98/16 98/22 emergency [6] 22/5 37/6 38/10 38/11 38/17 38/19

E	F	
<p>employed [2] 11/19 11/22 employee [1] 111/10 empty [2] 77/2 77/3 end [3] 13/4 66/8 92/12 enough [2] 10/4 105/10 entire [4] 57/2 58/21 59/2 76/11 entitled [1] 83/17 envelope [1] 7/19 equipment [1] 20/24 error [1] 7/22 especially [1] 8/8 ESQ [2] 1/20 1/24 essentially [2] 54/24 104/20 establish [2] 23/6 33/11 established [5] 34/25 69/16 69/16 90/23 94/16 establishing [1] 34/17 even [9] 10/4 17/3 18/19 70/5 74/16 86/22 88/4 89/19 95/18 events [1] 34/23 ever [13] 8/4 9/3 20/22 22/24 30/7 30/11 33/19 76/21 76/24 86/17 91/8 97/3 109/24 every [1] 21/25 everyone [1] 90/1 everything [8] 50/1 60/8 74/15 75/7 91/10 95/25 103/10 108/1 everywhere [1] 94/25 evidence [28] 22/9 22/13 22/13 22/18 22/18 23/2 23/4 27/7 29/22 30/10 30/10 37/19 45/9 53/4 55/6 55/7 57/12 57/19 57/22 58/1 61/8 61/22 62/2 69/19 101/13 103/14 105/15 105/15 evidentiary [1] 16/12 ex [2] 105/18 109/8 ex-felon [2] 105/18 109/8 exact [4] 22/8 49/21 50/10 51/11 exactly [4] 33/24 34/10 78/6 83/21 examination [17] 2/6 2/6 2/9 2/9 2/10 2/14 2/14 11/17 19/6 19/9 40/23 53/23 54/1 64/15 71/4 72/23 80/4 examine [2] 6/17 34/10 examined [3] 11/6 40/15 72/14 examiner [2] 46/13 46/16 examining [1] 6/16 exceeded [1] 106/1 except [1] 46/12 exception [2] 36/7 103/2 Exhibit [13] 2/21 2/22 2/23 39/21 40/3 40/7 45/19 45/19 45/22 46/8 46/10 48/8 48/9 Exhibit 1 [1] 40/3 Exhibit 2 [3] 45/19 45/22 48/8 Exhibit 3 [4] 45/19 46/8 46/10 48/9 exhibits [5] 48/10 48/17 48/19 71/16 71/22 Exhibits 1 [1] 71/16 Exhibits 2 [2] 48/10 48/17 exigent [9] 35/19 35/24 36/1 36/5 36/22 36/25 102/24 104/16 104/17 existed [1] 30/7 exit [1] 15/11 exonerated [1] 107/21 experience [9] 14/13 15/8 32/17 47/6 51/12 104/1 104/4 105/3 105/4 explained [3] 8/2 9/5 32/24 eye [1] 41/18</p>	<p>F-R-A-N-K [1] 40/18 face [6] 11/2 40/10 68/6 68/13 72/10 76/5 facing [1] 108/16 fact [11] 8/22 9/14 42/19 45/11 51/2 51/10 95/12 100/22 103/16 103/24 105/1 facts [14] 22/8 22/12 22/24 23/1 23/4 27/7 29/22 30/9 34/1 34/3 34/25 36/3 37/1 101/13 failure [4] 20/4 20/6 21/19 35/20 faint [1] 14/11 far [10] 23/9 24/19 24/24 24/25 25/4 25/5 25/5 64/7 69/25 103/6 Faretta [1] 108/8 fast [1] 90/12 fault [1] 7/22 federal [15] 6/7 6/25 7/18 8/10 8/10 8/11 9/6 9/12 104/23 106/19 107/18 107/22 108/16 109/3 109/9 Feds [3] 109/9 109/13 109/17 feel [5] 8/3 32/12 33/17 67/23 98/9 feels [1] 53/10 feet [3] 25/10 25/11 25/13 fellow [1] 42/14 felon [2] 105/18 109/8 felony [2] 28/22 39/23 felt [3] 28/16 32/21 35/6 few [4] 3/11 36/8 58/9 106/11 field [8] 14/16 14/21 45/6 45/8 45/8 45/11 45/24 46/11 fifteen [1] 66/13 file [2] 9/16 34/4 filed [1] 109/10 filing [1] 102/5 final [1] 65/23 financially [1] 111/11 find [6] 15/24 76/17 76/21 76/24 78/18 106/13 finding [1] 60/24 fine [5] 53/18 60/9 73/12 83/25 96/18 finish [2] 30/4 98/24 firearm [15] 16/13 17/22 18/3 42/17 42/19 42/22 45/1 45/9 56/6 57/6 59/7 60/13 60/13 61/10 105/19 firearms [5] 17/25 18/1 50/17 50/20 52/5 first [31] 4/13 5/23 5/24 10/23 10/25 11/5 11/8 14/6 25/23 26/3 26/24 27/1 27/2 27/8 29/21 33/18 34/11 35/21 38/24 40/14 40/17 46/6 55/1 61/6 72/2 72/13 72/16 78/20 80/7 84/3 109/17 five [6] 24/6 63/15 63/21 84/6 89/23 99/8 five-day [1] 84/6 fix [4] 84/20 84/21 85/23 86/10 fixed [1] 86/8 floor [4] 75/7 75/17 78/13 78/16 focus [5] 33/25 36/18 82/7 84/2 101/15 focused [1] 102/19 focusing [4] 68/1 86/1 101/22 102/12 follow [7] 7/1 39/4 46/22 47/5 71/2 95/23 99/15 follow-up [1] 99/15 follow-ups [2] 39/4 71/2</p>	<p>follows [3] 11/6 40/15 72/14 footage [2] 30/18 31/2 for some [1] 22/16 force [1] 9/6 forget [2] 11/14 104/19 forgot [2] 22/8 64/15 form [2] 46/11 60/17 forth [1] 34/19 forward [7] 9/20 9/22 10/11 10/21 32/1 102/25 109/12 found [12] 33/19 33/21 42/2 55/6 55/6 55/16 56/12 57/9 59/19 68/2 103/25 105/19 foundation [2] 43/14 82/6 four [3] 10/13 13/23 25/2 four-door [1] 13/23 fourth [1] 103/3 frame [1] 79/8 FRANK [3] 2/8 40/13 40/17 free [4] 39/6 39/8 71/10 99/17 fresh [1] 17/3 Friday [2] 82/2 82/18 friend [1] 86/9 friends [10] 79/15 86/11 87/20 88/6 88/7 88/13 88/23 89/14 89/18 89/20 friends' [1] 89/3 frisk [1] 103/6 front [8] 15/15 20/1 24/20 25/1 32/15 32/19 38/7 76/5 frustrating [1] 9/25 frustration [1] 8/3 Full [1] 110/10 further [16] 5/16 18/6 32/1 33/11 53/21 61/11 71/1 71/8 71/18 71/23 80/1 90/22 95/10 99/12 99/23 111/9</p> <p>G</p> <p>G-L-O-V-E-R [1] 11/10 gang [1] 50/20 gap [2] 24/23 24/25 gave [8] 26/7 33/10 86/21 87/15 87/22 88/14 88/23 89/16 gear [1] 57/13 gems [1] 32/16 gemstone [1] 30/2 gemstones [14] 29/19 30/1 30/7 30/11 30/18 30/22 31/21 32/5 33/2 33/3 35/4 35/7 35/14 103/7 gestures [2] 75/13 80/17 get [17] 3/11 9/15 10/5 10/6 13/5 57/22 64/8 74/20 79/8 80/21 82/14 83/23 85/20 85/25 86/7 105/17 110/5 getting [2] 62/5 69/12 girlfriend [6] 74/7 74/8 74/8 74/9 93/18 93/22 give [17] 6/18 6/23 7/4 18/14 23/21 45/5 66/8 74/6 81/5 84/16 84/19 86/6 87/3 87/23 89/13 105/21 106/10 given [3] 34/16 66/13 83/19 giving [7] 11/13 34/12 34/13 84/15 89/14 100/15 107/22 GLORIA [8] 2/13 72/4 72/12 72/17 72/25 80/8 80/9 80/9 GLOVER [15] 2/5 5/25 6/1 6/3 10/25 11/4 11/9 11/19 19/11 39/15 42/1 45/5 54/20 55/1 101/24 Glover's [1] 59/10 go [36] 4/13 4/13 9/20 9/22 10/10 14/19 14/21 15/17 22/16 29/18 30/4 30/9 32/1 33/16 39/6 49/4 50/6 67/12 71/10 77/8 77/19 80/23 81/1 81/2</p>

G	having [5] 11/5 26/18 40/14 72/13 108/6	holder [6] 16/4 17/22 55/11 56/10 57/13 59/11
go... [12] 81/22 83/1 83/24 83/25 86/23 88/9 92/23 94/4 95/8 102/25 108/25 109/12	he [108] 6/13 8/23 9/3 11/14 14/7 14/10 15/15 17/9 22/14 22/14 22/20 23/2 23/4 27/11 27/12 27/12 29/9 30/11 30/18 30/24 30/24 31/3 34/2 34/3 34/5 34/7 34/10 34/14 36/3 36/23 36/24 37/1 37/3 37/3 39/7 39/16 43/15 43/16 43/17 51/10 52/2 52/24 52/24 53/9 53/10 54/22 55/3 57/25 59/15 61/9 61/10 61/20 63/22 68/2 68/2 68/6 68/6 68/13 68/14 68/14 68/18 68/20 83/23 86/9 88/11 88/12 88/19 89/1 91/25 92/1 92/2 92/4 92/5 92/7 92/7 92/9 92/9 92/12 92/13 92/16 92/16 92/23 93/4 93/10 93/11 93/17 93/17 93/18 93/19 93/24 93/25 94/3 94/5 94/5 94/22 94/22 95/17 95/18 95/19 95/19 101/25 103/15 103/16 104/6 105/3 105/4 105/6 107/17	holders [1] 58/14
going [65] 4/22 4/25 5/1 5/4 5/7 5/14 6/4 6/8 6/15 10/1 10/2 10/10 10/21 18/12 18/17 22/7 23/3 24/2 24/7 25/19 30/21 32/8 33/10 34/9 35/17 39/1 43/11 43/21 52/15 53/1 53/2 53/11 53/16 56/16 56/17 61/24 62/15 67/25 69/11 71/13 77/18 82/12 84/19 85/22 85/25 86/7 86/10 90/25 92/16 92/23 95/10 97/21 100/7 102/18 102/19 106/16 106/23 107/1 107/15 108/1 108/4 108/7 108/11 108/19 109/25	he's [31] 13/12 20/18 23/1 23/3 29/24 31/25 34/7 34/9 41/16 41/17 43/10 43/11 43/11 43/17 57/14 57/23 65/5 65/7 67/9 67/11 67/21 68/25 73/12 77/13 80/13 104/15 105/5 105/7 106/18 106/21 107/18	home [3] 91/12 91/23 92/13
gold [5] 12/19 12/25 13/25 73/2 73/14	head [3] 22/18 80/15 104/20	honestly [1] 64/25
gone [1] 93/4	heard [5] 3/14 59/6 64/12 103/16 103/17	Honor [91] 3/8 3/13 3/18 3/24 3/25 4/3 4/6 4/10 5/18 6/14 8/19 8/25 10/12 10/24 11/12 18/7 18/16 20/15 22/6 22/17 22/21 27/6 27/10 29/2 29/21 29/24 30/23 32/6 33/18 34/6 35/21 36/23 36/24 37/22 38/15 38/24 39/5 39/7 39/12 39/16 39/19 40/21 43/23 43/24 45/15 48/7 48/21 48/24 50/3 53/21 57/14 58/18 59/13 60/23 61/19 62/1 62/15 62/20 63/13 63/17 64/3 65/5 65/17 65/19 65/24 66/20 67/9 68/8 69/8 71/9 71/20 73/5 77/13 77/25 78/21 83/9 83/14 90/2 94/20 95/6 95/11 98/12 99/13 101/8 101/12 103/13 104/14 104/17 107/2 107/16 109/6
good [1] 70/14	hearing [8] 1/15 3/16 9/23 64/14 102/9 105/14 106/14 109/23	HONORABLE [1] 1/16
got [10] 3/7 34/25 52/12 62/17 69/1 70/5 70/9 105/10 105/13 105/13	hearsay [2] 52/21 70/9	hood [2] 30/20 35/3
gotten [1] 62/4	held [2] 50/17 103/10	hopefully [2] 4/16 4/18
government [1] 9/6	help [1] 99/20	horse [2] 95/9 98/12
grab [2] 32/5 95/19	her [25] 5/11 5/12 18/17 18/19 78/11 82/10 82/11 82/12 83/15 83/16 84/19 84/22 85/10 85/13 85/14 86/15 86/17 87/13 93/18 94/17 95/7 95/19 103/17 104/12 107/14	hospital [1] 81/3
grams [2] 47/16 50/11	here [23] 4/24 5/2 7/17 7/19 7/23 9/9 10/21 13/9 17/16 30/8 41/12 61/24 62/5 66/1 69/9 79/1 85/13 89/23 100/9 101/15 101/22 108/18 109/20	hour [5] 24/5 24/10 24/14 62/24 63/22
grandson [2] 99/5 99/7	here's [3] 61/9 105/12 105/13	hours [13] 12/14 19/20 64/22 65/4 65/21 66/6 66/15 81/22 82/23 82/23 93/9 93/10 93/11
green [1] 16/6	hereby [1] 111/6	house [2] 83/2 89/18
gross [2] 47/16 50/11	high [2] 28/20 29/12	how [41] 4/1 5/10 11/19 11/22 15/17 21/6 23/6 23/9 23/16 23/18 24/19 24/24 24/25 25/5 27/4 27/10 27/12 43/20 45/23 49/12 49/16 54/19 55/16 61/20 62/2 62/17 63/4 69/13 81/13 82/11 82/23 85/10 85/20 86/2 86/13 87/17 87/19 88/7 93/4 99/7 102/5
guess [8] 5/15 34/7 38/25 62/21 76/16 87/9 94/22 95/23	him [47] 4/8 6/18 6/20 7/4 8/24 11/13 18/14 20/17 22/25 23/1 27/18 30/4 30/16 31/14 31/15 31/15 34/1 34/1 34/13 34/13 35/25 36/3 38/16 39/14 39/20 41/15 43/8 43/12 43/20 43/21 53/7 53/8 56/17 57/18 57/25 62/3 64/5 65/8 68/7 68/16 88/8 92/14 92/18 98/24 102/25 105/10 106/19	however [2] 50/24 104/10
gun [4] 59/19 97/3 103/18 109/20	himself [1] 57/25	huh [6] 35/12 73/16 84/8 92/3 96/1 108/15
guns [3] 96/18 96/20 103/18	hinders [1] 7/24	I
guy [1] 85/22	his [44] 8/23 8/23 9/11 11/14 13/4 15/6 22/18 23/1 27/10 30/20 31/19 33/20 34/1 43/14 43/20 43/22 56/17 57/19 58/17 59/16 59/17 68/6 68/13 70/1 74/9 83/13 87/20 88/5 88/7 88/23 89/18 89/20 91/25 92/1 93/17 93/21 103/16 103/22 104/1 104/4 104/8 104/9 105/2 105/4	I'll [15] 20/17 22/15 29/5 38/16 48/25 61/2 61/23 65/8 66/22 67/12 68/16 99/4 100/8 100/10 106/10
guys [4] 69/3 87/18 87/19 95/8	history [1] 42/18	I'm [84] 3/13 4/13 5/6 5/14 6/11 6/15 8/13 8/13 8/22 11/13 18/12 18/15 18/17 20/23 21/21 22/10 22/21 32/8 34/21 36/12 37/10 39/1 43/8 43/21 44/2 45/18 52/13 52/20 53/2 53/16 56/16 56/17 57/1 57/21 57/24 58/21 59/6 60/20 62/15 63/14 64/3 67/25 69/12 69/15 71/13 72/21 76/6 76/6 77/8 77/18 78/1 80/6 81/8 82/6 82/8 83/20 83/21 86/1 89/20 89/21 90/8 90/25 91/18 92/22 93/19 94/20 95/2 95/3 96/4 96/13 97/1 97/21 98/11 98/19 99/9 100/4 101/17 102/12 102/16 103/9 106/23 108/4 108/18 108/19
H	hold [8] 27/15 37/16 80/16 88/18 88/18 99/19 106/16 106/23	I've [8] 6/14 8/2 21/2 28/19 34/16 50/19 50/20 98/12
had [49] 7/19 8/23 9/3 9/19 10/4 10/5 13/3 14/2 15/11 17/2 17/21 20/22 27/12 28/19 42/1 42/12 51/5 51/10 52/3 55/6 68/13 74/17 78/15 78/19 79/13 81/14 81/16 82/20 83/1 83/8 86/9 86/20 90/9 92/1 92/12 92/16 93/10 93/11 93/17 93/24 93/25 95/17 97/5 97/7 97/9 103/21 104/3 104/10 104/11		I-E-N [1] 40/19
Hafen [2] 63/8 63/15		ID [1] 26/7
half [4] 96/14 96/14 96/15 96/16		idea [1] 9/4
hand [6] 6/10 11/2 40/10 46/4 46/17 72/10		identifiable [2] 15/7 32/14
handcuffed [6] 35/4 35/6 37/18 38/7 54/20 102/1		identified [2] 13/16 41/20
handcuffs [2] 54/24 55/4		if [81] 4/12 4/23 5/10 6/9 6/18 6/21 9/3 9/8 11/7 13/23 14/2 17/3 18/13
handing [1] 88/3		
happen [1] 49/1		
happened [3] 71/6 74/23 89/22		
Harbor [5] 12/24 17/12 19/23 21/24 22/4		
hard [2] 78/16 92/25		
Harmon [5] 12/23 12/25 17/15 28/19 41/9		
has [24] 13/16 20/22 20/23 23/4 27/11 30/8 30/25 36/7 36/12 36/19 41/20 44/8 44/11 46/4 49/10 71/23 71/24 92/2 101/6 103/14 104/18 106/9 106/9 106/14		
hasn't [2] 30/24 34/7		
have [126]		
haven't [4] 50/23 52/12 70/5 89/10		

I	105/23 108/18 it [237] it's [51] 9/24 10/7 10/12 15/18 20/6 22/7 22/7 22/12 27/25 28/20 29/22 31/1 31/2 32/9 33/16 33/17 34/22 36/10 37/25 43/2 44/14 46/12 51/13 52/9 53/10 57/17 61/19 69/22 70/14 73/14 74/8 74/10 74/18 74/21 74/22 75/17 76/8 77/3 85/16 87/12 87/13 88/20 89/1 89/20 90/3 94/17 95/7 100/18 104/14 106/17 109/9 item [1] 32/14 items [3] 16/19 45/5 45/7 its [2] 106/4 106/14 itself [4] 36/18 64/7 65/15 67/16	knew [5] 16/6 16/22 81/2 85/22 92/12 know [80] 6/9 6/11 6/15 6/18 7/21 7/24 8/2 8/13 9/3 9/5 9/17 9/17 9/18 9/24 10/19 10/19 23/3 25/14 25/24 26/3 26/4 30/1 30/6 32/9 43/14 44/8 49/6 50/7 52/25 53/15 58/10 59/23 61/20 68/12 69/10 74/15 74/17 74/22 74/22 75/17 75/21 75/24 75/25 77/4 78/7 78/19 79/14 79/15 79/16 81/5 81/6 82/10 83/22 84/20 84/25 85/10 86/16 86/19 87/13 87/16 87/19 87/20 88/1 88/4 88/7 89/1 89/3 89/4 92/16 93/3 93/6 95/4 95/11 98/12 101/11 102/1 102/24 103/19 103/19 107/10 knowing [2] 88/15 88/24 knowledge [5] 27/12 36/10 44/22 51/13 59/25 knows [3] 22/14 43/15 52/24 Koval [2] 12/24 17/15
illegal [1] 32/18 immediate [1] 67/7 immediately [4] 17/25 23/13 35/4 62/21 impound [1] 45/9 improper [1] 59/14 in [187] incident [2] 37/13 45/25 included [2] 34/22 111/7 inconsistencies [2] 101/10 102/13 inconsistent [1] 59/12 indicated [1] 31/18 indication [1] 105/21 indicative [1] 51/16 individual [6] 41/25 49/14 49/14 49/18 49/20 55/3 indulgence [7] 17/19 51/20 53/20 64/10 71/19 93/14 96/25 information [2] 18/11 34/20 inherent [1] 37/7 initial [1] 24/8 initially [2] 31/14 65/9 initiating [1] 24/9 inmates [1] 6/14 inside [2] 45/1 57/5 instead [3] 25/6 38/18 89/14 institution [1] 9/13 instructed [3] 42/14 44/24 52/1 insurance [1] 26/8 intact [6] 5/10 60/5 60/8 60/22 61/17 73/21 intend [1] 43/19 intent [1] 105/21 interested [1] 111/11 interior [7] 58/11 59/22 60/16 60/19 60/19 74/13 77/23 interrogation [5] 70/1 70/2 70/4 70/6 70/10 interview [1] 42/15 into [13] 30/21 31/19 32/4 32/17 33/16 34/22 57/18 57/25 70/5 70/9 87/9 91/5 105/25 introduce [1] 53/4 inventory [1] 20/24 investigation [3] 60/12 60/12 69/25 investigations [6] 14/24 50/20 50/21 50/22 50/24 51/5 investigative [1] 22/16 invoke [1] 10/3 involved [1] 111/10 involving [1] 50/24 is [145] is still [1] 36/11 Island [5] 12/24 17/13 19/23 21/24 22/4 issue [3] 8/7 33/13 108/8 issues [6] 9/19 14/25 34/22 102/18	J J-O-S-H-U-A [1] 11/9 January [32] 12/4 12/11 41/1 54/11 65/21 79/11 79/12 80/23 80/24 81/16 82/7 82/9 82/22 84/5 84/5 86/13 87/4 87/5 87/6 87/7 87/8 87/10 89/9 89/23 89/24 89/24 90/15 90/16 91/12 91/12 93/19 98/21 January 1st [5] 84/5 87/6 89/23 89/24 90/15 January 2015 [1] 81/16 January 6 [7] 12/11 41/1 54/11 65/21 79/11 79/12 93/19 January 6th [11] 12/4 82/7 84/5 87/7 87/8 87/10 89/9 89/24 90/16 91/12 91/12 January of [1] 82/22 Jennifer [5] 1/24 1/25 110/15 111/5 111/15 job [1] 90/11 joint [1] 104/9 JONATHAN [1] 1/20 JOSEPH [1] 1/16 JOSHUA [3] 2/5 11/4 11/9 judge [6] 63/8 63/14 64/8 64/9 66/7 66/16 judgment [3] 39/22 40/4 105/17 judicial [4] 8/17 8/20 106/17 106/24 July [2] 107/3 111/12 July 2nd [1] 107/3 JUNE [2] 1/18 3/1 just [64] 3/8 7/21 8/13 9/25 11/13 11/24 13/12 16/15 17/3 17/15 20/1 25/1 30/24 34/14 37/24 42/24 44/8 49/4 50/6 52/13 53/8 56/20 57/2 58/15 58/24 59/1 65/13 65/14 65/25 66/1 66/4 69/12 71/19 73/5 74/20 74/23 74/23 75/1 75/7 76/8 78/17 79/13 80/25 81/1 81/5 81/6 81/9 82/10 86/4 86/18 87/9 87/24 87/25 88/3 88/14 92/4 94/3 94/4 95/2 95/23 98/12 99/2 100/18 106/10 JUSTICE [2] 1/4 1/16 justification [1] 30/21 justified [2] 29/18 33/7	L lady [1] 89/21 LAS [7] 1/4 3/1 11/20 12/1 19/16 41/5 111/12 Las Vegas [4] 11/20 12/1 19/16 41/5 last [9] 11/8 40/18 42/1 46/6 72/16 72/18 84/24 109/11 109/22 later [3] 34/2 58/2 102/20 law [8] 34/8 36/19 104/23 105/6 105/8 106/3 106/3 108/13 lawfully [2] 105/6 105/7 lay [2] 4/11 4/14 laying [1] 82/6 lead [1] 95/3 leading [3] 77/14 77/17 78/10 leafy [1] 16/6 least [5] 10/5 18/19 19/2 83/18 104/8 leave [5] 18/3 39/8 70/19 94/5 99/17 leaves [2] 11/14 92/13 leaving [1] 92/14 leeway [5] 33/11 34/13 34/17 77/19 82/15 left [6] 46/4 46/17 76/12 79/18 79/22 91/9 left-hand [2] 46/4 46/17 legal [9] 9/18 33/22 34/3 34/5 35/23 35/24 36/1 36/25 38/18 legally [1] 53/10 lend [1] 83/12 lending [3] 73/21 82/10 82/12 length [2] 25/8 25/10 leniency [1] 70/16 lent [5] 79/6 79/13 83/8 83/16 83/22 let [17] 20/17 21/10 27/21 27/25 30/4 44/8 49/6 50/7 63/6 71/19 74/25 78/16 78/23 86/24 91/3 98/24 101/14 let's [11] 23/6 58/15 79/8 80/23 82/19 84/2 84/4 84/17 87/1 91/11 101/23 letting [2] 8/13 90/1 level [1] 107/4 lift [1] 57/5 lifted [1] 59/5 light [5] 22/4 22/23 22/25 23/3 23/10 lights [7] 22/5 22/23 23/1 23/9 23/12 23/18 24/9 like [58] 6/4 7/12 7/23 10/20 15/4 16/21 16/25 17/1 24/25 25/1 25/4 32/19 32/21 34/14 38/1 46/3 46/13
K key [5] 84/15 84/16 89/16 93/24 94/1 keys [16] 38/1 86/7 86/21 88/3 88/14 89/13 91/24 92/2 95/17 95/19 97/5 97/7 97/9 97/12 103/17 103/22 kidnapped [1] 67/24 killing [1] 95/8 kind [4] 55/12 77/10 108/2 108/11 Kitchen [1] 68/4		

L like... [41] 51/6 53/10 56/1 58/4 58/10 58/11 60/4 60/21 60/22 61/3 61/16 61/21 67/22 67/23 74/16 74/17 74/18 75/5 75/7 75/21 76/8 76/9 77/22 78/4 79/14 79/23 80/21 81/5 85/16 86/18 87/18 88/16 90/11 92/8 94/7 95/25 97/25 102/15 103/1 103/2 109/21 likely [1] 16/22 limit [1] 24/2 line [1] 58/1 list [1] 20/24 little [10] 6/21 6/23 7/1 28/23 58/25 62/5 77/18 78/25 82/14 88/21 live [9] 85/1 85/6 89/6 93/16 93/20 93/25 98/4 98/17 98/22 lived [3] 95/19 95/20 98/16 loan [2] 81/9 84/12 loaned [1] 90/23 loaning [2] 80/25 83/6 locate [1] 16/3 located [3] 17/16 44/20 44/23 location [2] 56/6 56/7 lock [1] 57/18 locked [1] 78/19 locks [1] 57/25 lodge [1] 34/8 long [11] 11/22 21/6 23/6 23/16 23/19 62/17 62/19 63/4 73/12 84/21 93/4 longer [2] 35/22 35/22 look [4] 39/25 58/4 61/3 77/16 looked [6] 26/21 56/12 61/16 61/21 62/2 75/5 looking [4] 37/4 45/22 101/18 102/16 looks [2] 46/3 46/13 loose [1] 16/5 loosen [2] 6/19 6/21 lost [1] 103/9 lot [6] 34/13 78/17 95/13 101/10 107/24 108/17 love [1] 80/14 lower [1] 107/3	marked [5] 2/19 39/21 40/8 45/19 69/3 marks [1] 46/18 matter [14] 3/9 4/2 4/12 4/17 4/19 18/10 25/16 33/23 44/5 74/22 106/22 108/5 108/7 108/16 matters [4] 3/14 64/12 106/19 106/24 may [34] 7/1 11/11 13/12 13/15 19/6 21/21 21/23 23/2 24/12 28/13 32/12 40/20 41/19 43/25 45/16 50/4 56/18 68/14 68/14 72/19 72/21 72/22 75/2 77/8 93/22 98/9 99/19 102/13 105/16 105/16 105/21 105/25 105/25 106/1 maybe [5] 19/3 23/22 28/17 55/14 98/12 me [55] 6/22 7/19 7/21 7/23 7/24 8/5 9/13 9/17 21/10 23/2 23/21 25/16 26/15 26/18 27/4 27/21 27/24 27/25 28/8 31/9 35/5 36/12 42/9 42/11 44/8 44/24 49/6 50/6 50/7 54/17 56/4 59/5 60/18 62/19 63/6 67/23 70/19 71/19 73/21 74/19 74/22 74/25 78/16 78/23 81/1 84/7 86/24 92/9 93/1 95/8 101/14 102/1 102/2 107/11 109/3 mean [19] 17/8 36/17 37/8 53/6 58/6 58/23 61/19 66/11 67/21 69/9 75/22 77/25 83/18 89/20 93/8 95/9 96/10 104/6 109/13 Meaning [1] 36/1 means [2] 75/10 105/14 meantime [1] 42/16 memory [10] 42/25 44/8 44/11 49/6 49/10 50/7 55/19 62/11 62/22 65/1 mention [3] 27/11 27/23 28/14 mentioned [5] 27/4 27/12 27/19 29/10 64/6 met [2] 103/14 106/14 metal [2] 75/19 75/22 meth [1] 32/24 methamphetamine [13] 16/23 32/18 45/3 45/24 47/9 47/14 47/18 49/7 49/16 49/20 50/9 51/6 104/3 methodical [1] 15/18 Metro [4] 19/16 27/16 42/1 50/18 Metropolitan [3] 11/20 12/1 41/5 microphone [1] 72/20 middle [7] 55/17 56/11 57/8 57/17 61/17 61/21 75/5 might [1] 92/25 miles [3] 24/4 24/9 24/14 mind [2] 8/4 70/21 minute [1] 66/10 minutes [5] 3/11 63/15 66/13 93/9 108/25 Miranda [1] 54/17 Mischaracterization [1] 29/3 Miss [8] 18/9 18/13 72/6 99/20 108/6 108/10 108/18 110/3 Miss Doyle [1] 110/3 Miss Qazi [1] 72/6 Miss Waldo [4] 18/9 108/6 108/10 108/18 missing [3] 75/19 76/9 76/19 mobile [3] 37/11 37/17 37/25 mobility [3] 36/17 37/7 106/5 model [1] 43/5 Monday [3] 82/2 82/18 91/16 month [1] 98/21 months [2] 36/8 106/11	more [10] 6/23 25/3 25/25 39/3 69/22 87/18 90/8 91/1 98/13 99/15 most [6] 16/22 39/22 81/11 95/24 96/12 102/18 mother [6] 4/23 72/5 103/16 103/23 104/9 107/11 motions [1] 34/4 move [12] 40/1 48/8 61/2 61/24 65/14 66/23 72/20 74/24 75/16 78/16 87/1 90/25 moved [6] 37/21 38/4 38/6 76/2 78/15 85/4 Mr [7] 2/6 2/6 2/9 2/9 2/10 2/14 2/14 Mr. [20] 3/6 3/19 4/21 5/19 11/19 18/8 18/14 21/21 24/12 31/8 31/18 43/7 53/22 56/16 56/24 63/1 63/19 71/24 105/13 107/24 Mr. Glover [1] 11/19 Mr. Qazi [18] 3/6 3/19 4/21 5/19 18/8 18/14 21/21 24/12 31/8 31/18 43/7 53/22 56/16 63/1 63/19 71/24 105/13 107/24 Mr. Qazi's [1] 56/24 much [2] 75/1 75/20 multiple [3] 47/18 48/2 51/10 music [1] 75/20 must [2] 7/1 93/3 mutual [1] 94/18 my [83] 4/12 4/23 7/20 7/22 8/14 8/15 8/15 8/20 9/23 13/3 15/15 22/8 22/21 23/12 23/17 24/18 26/3 26/7 26/12 29/1 29/16 29/19 29/20 30/12 30/19 32/16 32/21 36/10 40/17 42/14 42/25 42/25 43/2 44/6 44/25 50/1 51/12 51/13 51/25 52/9 54/17 55/19 56/4 56/5 58/7 59/24 60/12 60/12 61/13 62/22 62/24 63/11 64/25 65/12 66/15 69/25 72/4 72/17 74/8 74/24 76/18 76/23 77/5 78/18 80/13 82/21 84/16 84/20 85/12 85/17 85/23 88/12 89/2 89/15 90/11 90/13 90/13 95/23 99/5 103/8 103/11 104/19 107/11 myself [2] 28/6 54/21
M M. [1] 68/4 M. Kitchen [1] 68/4 M37231 [2] 42/22 44/13 ma'am [8] 4/25 72/8 72/19 80/6 80/16 97/15 98/6 99/19 made [5] 10/9 67/23 95/12 106/9 106/11 magistrate [1] 8/10 mailed [1] 79/24 make [8] 6/12 18/18 43/5 43/6 66/1 80/17 101/2 108/20 makes [1] 8/5 making [2] 67/11 75/13 manila [1] 7/19 manner [1] 105/20 many [4] 4/1 81/13 82/23 87/17 marginal [2] 103/14 105/14 marijuana [32] 14/11 15/3 15/8 15/22 15/23 15/24 16/1 16/7 16/9 16/14 16/20 16/25 17/1 17/2 17/3 26/20 27/9 27/23 28/6 35/18 45/3 46/12 47/12 48/1 49/8 49/12 51/17 97/18 102/24 103/25 105/3 105/4		N name [24] 11/8 19/13 26/12 40/17 40/18 42/1 46/4 46/5 46/6 46/6 46/7 46/9 46/14 54/3 72/16 72/17 72/18 72/25 80/7 84/18 84/19 84/22 84/24 104/19 names [8] 75/25 79/16 87/14 87/21 88/1 88/4 89/3 89/4 narcotic [1] 51/16 narcotics [10] 32/18 44/25 45/2 50/22 50/23 50/25 51/13 51/14 54/22 57/6 nature [1] 12/21 need [14] 4/25 4/25 37/2 57/18 61/24 72/9 75/8 75/11 80/16 89/1 94/5 94/8 98/6 104/23 needed [1] 104/21 needs [2] 36/24 102/15 neighbor [2] 85/12 86/3 neighbor's [1] 84/18 neighbors [8] 79/15 83/8 84/2 84/3 84/13 84/14 84/16 86/18 nervous [1] 28/23 NEVADA [14] 1/5 1/7 3/1 14/2 17/17 35/23 36/8 37/10 64/13 104/18 106/9 111/2 111/6 111/12 never [10] 22/24 27/4 27/19 27/19

N	O	one-second [1] 24/25 only [22] 4/10 22/17 22/18 43/12 52/24 68/1 81/14 81/15 81/16 87/12 87/13 91/1 93/8 96/6 97/12 100/19 103/15 103/21 104/23 106/5 106/11 106/19 oOo [3] 1/6 2/24 3/2 open [7] 9/15 70/11 74/19 74/19 74/21 76/13 78/19 opened [1] 17/7 operation [1] 90/10 opinion [1] 8/20 opportunity [1] 85/25 opposite [1] 85/15 or [104] 5/10 5/20 8/10 8/10 8/23 10/13 10/15 10/20 12/16 13/23 15/3 15/24 16/18 17/2 17/9 18/11 19/2 21/18 23/20 24/16 24/23 24/23 25/1 25/23 26/12 26/24 27/5 27/5 27/12 27/24 37/6 37/20 38/10 42/22 47/18 48/2 51/5 51/6 53/4 53/6 53/15 53/17 54/12 55/11 55/12 55/16 55/20 56/7 57/19 58/10 58/15 58/16 59/1 59/22 60/6 61/6 63/9 63/15 63/21 65/14 66/19 67/21 67/22 69/4 69/22 75/5 75/6 76/6 76/6 76/9 78/4 79/15 80/17 80/17 80/21 81/2 81/5 82/2 82/18 82/23 85/14 86/4 91/8 91/25 92/8 92/17 93/1 93/9 95/20 97/15 97/24 99/2 100/23 100/24 102/25 103/9 103/14 104/7 105/14 105/15 105/16 105/25 109/10 111/9 order [7] 8/10 9/8 9/8 10/6 14/16 45/6 71/21 ordered [1] 26/15 originally [1] 54/23 other [36] 3/14 4/10 5/22 6/14 8/11 15/25 16/18 26/1 32/13 33/17 34/14 39/9 50/17 59/6 59/15 59/21 60/22 61/25 64/12 68/15 71/15 76/22 85/22 87/13 87/15 87/17 96/6 98/2 98/22 99/2 99/22 99/23 100/5 100/16 102/22 106/3 our [1] 71/22 out [26] 13/1 16/5 19/23 22/19 23/8 25/7 26/15 26/19 26/23 28/23 29/20 31/15 31/19 35/1 39/23 39/24 74/15 74/20 75/18 83/16 88/3 88/9 102/14 102/14 106/18 107/23 outside [6] 4/12 5/1 5/21 34/9 86/19 86/20 over [20] 3/22 7/19 11/24 13/6 13/8 13/20 14/5 17/12 28/14 42/4 42/7 42/9 50/19 54/23 55/5 75/11 88/14 94/3 103/24 108/7 override [1] 6/8 own [7] 18/24 91/25 94/23 96/18 96/20 97/24 104/12 owned [1] 103/18 owner [2] 72/7 73/2
<p>never... [6] 70/9 70/21 75/16 75/19 78/15 103/8 next [8] 17/24 18/14 18/17 33/13 39/12 85/14 106/25 109/1 no [96] 1/1 1/2 1/9 1/25 5/19 8/5 9/4 13/21 18/6 18/16 20/19 20/23 21/12 21/17 21/20 22/13 22/24 24/17 27/11 28/8 28/10 28/15 30/10 35/14 35/22 35/22 37/17 38/5 38/10 38/13 38/19 39/3 39/5 40/6 48/16 51/23 53/5 53/21 54/18 56/22 60/2 60/20 61/16 68/20 69/15 70/18 70/24 71/1 71/8 71/20 71/23 74/1 74/2 75/7 76/25 78/8 80/1 80/17 80/17 81/3 83/24 84/15 85/3 85/19 85/21 85/21 85/21 86/18 86/23 88/2 88/5 89/7 89/10 91/16 93/6 96/14 96/21 97/4 97/15 97/16 97/19 98/1 98/1 98/3 98/18 98/19 98/20 99/12 99/16 99/25 101/21 103/18 103/18 110/2 110/15 111/15 No. [3] 39/21 39/24 42/22 No. 1 [1] 39/21 No. C-273567 [1] 39/24 No. M37231 [1] 42/22 nobody [1] 100/21 nods [1] 80/15 nonresponsive [1] 78/24 noon [3] 93/1 93/2 93/3 nor [5] 30/1 30/6 61/13 103/19 111/10 normal [2] 75/5 77/24 not [93] 5/10 5/21 6/12 7/8 7/20 7/21 8/6 8/23 9/14 9/15 10/14 13/21 18/11 18/23 19/24 20/19 20/23 20/23 21/3 21/12 22/8 22/12 22/18 23/1 23/4 27/7 27/8 27/11 27/12 28/10 29/22 29/24 30/10 30/23 32/24 34/7 35/14 35/20 36/10 37/10 37/13 37/17 39/9 51/5 51/25 53/2 53/17 56/1 58/24 59/1 59/5 59/24 60/2 60/19 60/22 61/11 67/15 67/17 67/17 69/22 69/22 71/15 76/6 77/23 78/1 78/5 78/18 83/21 89/21 90/9 90/12 91/18 95/20 97/1 99/21 100/6 100/11 100/15 100/23 100/24 101/3 101/13 101/17 105/15 105/16 106/1 106/21 107/8 107/14 109/12 109/13 111/7 111/9 notes [4] 6/12 7/11 7/12 9/3 nothing [7] 4/5 5/17 30/8 30/25 31/12 33/19 75/20 notice [4] 8/17 8/20 8/22 74/13 noticed [4] 14/6 16/4 74/21 79/2 noticing [1] 78/17 notified [1] 17/25 now [38] 11/25 12/15 13/5 13/19 13/22 17/21 19/22 20/10 28/16 29/14 35/13 36/18 44/2 44/20 45/18 46/1 49/12 49/20 50/16 55/5 55/21 56/1 56/19 69/3 74/17 74/21 74/23 79/25 82/22 86/6 90/8 91/11 92/25 93/13 100/15 104/19 104/22 107/24 NRS [1] 111/7 number [5] 44/13 70/19 85/18 86/17 111/8 numbering [1] 46/19</p>	<p>O'Neill [4] 1/25 110/15 111/5 111/15 object [12] 38/14 43/9 52/11 53/9 62/15 82/4 83/9 88/17 90/2 94/11 97/20 98/23 objected [1] 95/5 objecting [2] 52/21 64/3 objection [38] 18/13 20/15 22/6 27/6 29/2 29/21 30/15 32/6 33/8 33/18 34/8 35/21 36/23 37/22 38/24 39/2 40/3 43/13 48/10 48/14 57/14 60/23 61/23 65/5 66/20 67/3 67/9 68/1 68/8 68/16 68/23 69/8 73/5 77/13 78/9 78/10 78/21 101/12 objections [1] 30/12 obtain [1] 35/20 obviously [17] 4/12 29/24 31/3 34/6 34/9 34/12 53/9 80/11 80/14 80/20 83/1 83/23 95/3 103/13 103/23 104/11 107/16 occasion [4] 13/5 17/21 52/4 53/13 occasionally [1] 96/7 occasions [1] 50/25 occupant [2] 52/2 103/15 occupied [1] 37/11 occur [1] 10/1 occurred [1] 42/13 occurs [1] 34/1 odor [3] 14/11 26/20 35/18 ODV [4] 45/11 45/24 47/1 48/11 off [18] 29/22 29/22 29/23 33/19 34/12 35/22 35/23 38/25 60/22 62/5 79/7 82/21 90/17 90/18 90/21 93/17 95/7 104/19 offense [2] 109/9 109/9 offer [2] 5/4 9/23 officer [39] 5/25 6/3 10/25 11/1 12/1 14/15 14/17 14/24 19/11 21/15 36/9 39/8 39/15 41/25 42/10 42/11 44/24 45/5 51/2 51/4 51/9 54/14 54/16 54/20 54/21 54/25 55/1 55/2 59/6 70/22 71/14 101/23 102/1 102/6 102/7 102/23 103/25 104/3 105/2 officers [8] 4/15 7/23 67/7 67/18 69/18 73/24 79/22 103/9 Ogati [1] 72/4 Oh [2] 78/17 93/6 okay [75] 4/24 5/14 7/10 7/17 13/25 18/22 19/4 19/22 20/4 20/10 21/9 23/16 23/22 24/12 25/13 26/18 28/14 28/16 29/1 29/12 29/14 33/16 35/13 37/16 38/22 47/5 48/1 49/10 52/18 54/3 54/14 54/16 55/11 58/4 59/10 63/23 66/2 66/18 68/4 69/6 69/15 70/12 73/2 74/2 74/5 74/12 74/25 75/4 75/8 77/6 78/9 79/3 79/6 79/18 79/25 80/9 80/23 83/1 85/1 86/6 87/25 88/25 89/20 89/22 91/7 91/10 91/24 92/11 92/19 93/24 98/4 98/6 98/21 101/16 108/22 old [3] 89/21 99/7 99/8 OMAR [6] 1/10 1/23 3/4 3/15 46/6 64/13 on [133] once [4] 25/18 25/18 25/25 57/4 one [26] 4/13 4/14 13/1 23/21 24/25 25/8 25/9 28/1 29/4 29/9 38/5 38/14 39/2 47/18 48/2 51/23 53/8 61/16 73/8 77/19 81/14 81/15 81/16 84/16 91/1 100/5</p>	<p>p p.m [2] 12/14 81/25 package [1] 49/21 packaged [3] 49/13 49/17 105/20 packages [2] 49/15 49/19 packaging [1] 49/7 pad [2] 7/4 7/6 page [6] 2/2 44/8 49/4 49/6 50/6 66/1 page 3 [1] 49/6</p>

P	pockets [2] 33/17 33/20 point [14] 13/5 16/8 16/16 25/21 34/9 35/8 41/15 42/4 48/7 52/3 61/5 62/4 69/12 105/9 police [14] 4/14 11/20 11/21 12/1 14/15 14/17 14/19 19/16 41/5 42/25 51/8 87/10 91/15 91/19 portion [3] 12/15 49/5 53/6 positions [1] 50/17 positive [3] 45/8 47/10 47/13 possess [1] 94/23 possession [4] 104/6 104/8 104/9 109/8 possibility [1] 102/17 possible [2] 41/9 42/2 Possibly [2] 25/8 47/22 posted [2] 24/2 107/7 potential [1] 5/20 prefer [1] 108/12 preference [1] 4/15 prejudiced [1] 6/11 prelim [4] 9/21 10/3 10/21 39/17 preliminary [3] 1/15 3/16 64/14 present [10] 1/24 3/6 13/10 37/20 37/25 38/3 41/13 43/15 58/2 70/21 presented [2] 30/11 101/15 presenting [1] 9/18 previous [1] 39/16 previously [6] 39/21 45/18 46/25 68/23 104/18 109/5 primacy [1] 28/4 primary [3] 94/9 96/9 96/10 prior [7] 7/17 44/24 50/16 53/14 73/21 79/8 106/3 prisoner [1] 6/7 private [1] 20/9 Pro [1] 1/23 probable [14] 15/12 36/16 37/12 38/23 69/21 69/22 102/8 102/23 104/24 105/1 105/10 105/14 106/5 106/14 probably [3] 8/1 10/18 10/19 problem [8] 9/2 9/7 22/17 31/5 56/22 61/9 83/15 84/15 procedure [3] 33/16 38/22 68/13 proceed [11] 3/17 3/20 5/16 11/11 21/22 24/12 40/20 57/20 72/22 72/22 75/2 proceeding [3] 100/9 100/18 100/19 proceedings [3] 100/16 110/7 110/10 process [1] 8/15 produce [2] 8/12 55/20 produced [2] 31/12 103/7 product [1] 7/7 promise [2] 70/16 85/25 proof [2] 5/4 9/23 proper [5] 7/24 33/16 38/22 68/12 109/2 Proposed [1] 39/21 provide [2] 18/11 31/7 provided [2] 7/3 8/24 psychiatrist [1] 92/18 psychiatry [1] 92/17 pull [2] 13/6 74/18 pulled [9] 13/1 13/8 13/20 14/5 16/5 17/12 24/20 31/19 103/24 pulling [1] 19/23 pursuant [2] 40/2 111/7 push [1] 74/18	put [9] 30/19 49/25 56/5 58/12 58/25 87/9 97/3 97/14 103/18 putting [1] 35/3 Q Q-A-Z-I [1] 72/18 QAZI [34] 1/10 1/23 2/6 2/9 2/13 2/14 3/4 3/6 3/15 3/19 4/19 4/21 5/19 18/8 18/14 21/21 24/12 31/8 31/18 43/7 46/6 53/22 56/16 63/1 63/19 64/13 71/24 72/4 72/6 72/12 72/25 99/20 105/13 107/24 Qazi's [1] 56/24 question [52] 7/13 18/18 19/2 19/3 21/1 22/22 23/5 27/10 28/1 29/5 29/9 30/25 32/1 32/8 33/4 36/24 37/23 37/24 53/9 53/9 53/11 55/14 56/2 56/14 56/24 57/19 58/18 59/14 61/1 65/8 66/22 68/23 75/1 77/19 78/2 83/18 83/18 88/19 88/22 90/13 90/14 91/1 95/4 95/5 95/9 95/23 96/24 97/22 98/24 99/4 102/15 108/24 questioning [1] 65/7 questions [16] 18/6 37/3 39/3 53/21 57/25 61/25 71/1 71/8 80/1 98/13 99/12 99/15 99/15 107/25 107/25 108/11 quick [5] 4/16 4/18 4/20 11/13 64/10 quickly [2] 13/4 24/18 R radio [15] 27/16 58/10 60/4 60/11 60/14 62/5 75/6 75/23 76/3 76/9 76/11 76/15 76/19 76/21 76/24 Raise [3] 11/1 40/10 72/10 raised [1] 40/1 re [1] 108/8 re-address [1] 108/8 reached [1] 31/19 reaching [2] 30/16 32/4 read [3] 50/6 54/17 56/4 readily [4] 16/15 17/7 32/13 37/17 ready [3] 3/17 3/19 4/13 really [6] 11/13 17/5 64/10 96/23 102/12 102/23 rear [1] 13/4 Reask [1] 77/19 reason [11] 12/22 22/3 26/18 28/16 29/18 30/20 32/4 33/7 34/21 35/16 94/12 reasonable [1] 22/10 reasons [3] 10/16 14/8 68/15 rebut [2] 101/7 101/8 recall [21] 12/6 12/16 13/24 21/8 21/9 23/12 24/22 25/19 25/24 26/2 28/13 41/2 42/25 47/20 60/14 62/9 62/10 62/18 64/21 70/20 109/11 receive [1] 45/7 received [2] 42/10 62/20 receiving [1] 74/12 recent [2] 39/22 106/10 recess [1] 108/23 recognize [6] 13/9 41/12 44/2 45/20 45/23 46/10 recollection [9] 43/4 43/11 43/12 43/15 43/21 43/22 47/24 48/5 48/23 reconsider [1] 108/5 record [12] 7/15 10/18 10/20 13/15 18/8 26/12 28/21 29/1 29/10 41/19 72/16 75/12 recorded [3] 52/7 52/10 52/14
----------	---	--

R	rested [2] 71/24 101/6 restriction [1] 9/10 restrictions [2] 6/7 6/25 restrictive [1] 7/2 result [3] 15/10 47/8 47/11 retrieve [1] 32/14 return [2] 106/18 106/25 review [5] 7/8 9/9 49/4 53/13 56/17 reviewed [2] 7/12 53/17 reviewing [3] 56/13 56/23 65/12 revoked [2] 107/7 107/11 revolver [7] 16/13 16/15 44/18 44/19 55/9 97/24 103/19 ride [1] 81/5 right [85] 3/10 5/19 7/15 8/4 8/18 9/10 9/21 10/3 10/22 11/2 18/19 19/15 19/19 20/7 20/9 21/13 21/19 21/25 25/1 26/5 26/10 29/8 30/13 31/25 32/15 32/19 35/9 35/25 36/18 37/14 39/18 40/10 51/21 52/20 53/22 56/1 56/13 56/20 57/3 57/11 60/4 61/18 62/7 62/25 65/10 65/11 69/1 69/14 72/2 72/6 72/10 72/20 72/22 72/25 73/17 74/23 77/16 79/4 80/1 80/6 80/21 80/22 82/14 85/14 86/24 87/25 91/9 91/11 95/21 95/25 97/7 97/14 98/14 99/14 100/1 100/6 100/6 101/6 102/8 103/5 103/12 104/13 105/12 106/20 108/21 right-of-way [2] 20/7 20/9 rights [4] 8/14 8/16 10/10 100/16 rise [1] 7/16 roadblocks [1] 10/2 rock [1] 32/21 rock-like [1] 32/21 roll [2] 14/8 14/9 rolled [3] 14/10 17/8 17/9 ruling [3] 106/9 106/10 106/12 run [2] 9/11 10/2	SCISCENTO [1] 1/16 scope [2] 34/10 106/1 screech [1] 24/15 screeched [1] 24/17 Se [1] 1/23 seal [1] 40/1 search [49] 15/12 15/17 15/21 15/25 26/11 26/12 26/22 28/18 31/6 31/11 32/9 32/10 33/14 34/17 34/25 35/17 36/15 36/18 37/12 42/16 61/4 62/8 62/13 62/18 62/23 63/8 63/24 64/2 64/7 64/19 65/3 65/15 65/17 65/20 66/12 67/15 67/18 68/2 73/25 103/1 104/21 104/24 104/24 105/8 105/11 105/25 106/4 106/6 108/1 searched [9] 15/16 31/7 37/13 73/9 73/15 87/10 91/15 91/19 105/7 searches [3] 61/11 102/14 105/24 searching [5] 15/14 15/21 15/23 37/3 68/25 seasoned [1] 8/9 seat [7] 3/10 6/17 15/19 15/20 57/3 72/15 72/19 seated [2] 11/7 40/16 seats [1] 59/4 second [12] 24/23 24/25 25/23 26/14 26/25 29/22 33/20 34/12 35/23 44/7 49/4 99/19 seconds [5] 23/22 23/23 24/8 24/8 25/2 section [3] 50/23 57/2 58/22 Security [1] 111/8 see [18] 10/7 16/11 16/18 17/21 46/15 46/20 55/18 60/16 66/4 76/17 78/17 80/20 82/19 83/20 86/4 86/15 88/5 88/8 seeing [2] 23/14 64/23 seem [3] 60/4 65/10 65/11 seen [9] 6/14 60/20 76/22 78/3 81/11 89/5 89/8 89/10 108/10 sell [3] 104/2 104/5 105/21 sense [2] 8/5 10/1 serial [3] 42/22 43/4 44/13 service [1] 28/20 set [7] 3/16 34/1 34/19 91/25 97/7 97/9 105/22 sets [1] 97/12 several [4] 28/20 50/25 51/7 51/14 shall [3] 13/17 41/21 48/17 shape [1] 5/9 share [1] 81/21 shark [4] 29/19 30/19 31/20 31/22 she [39] 5/4 5/7 19/2 78/3 79/2 82/11 82/12 83/11 83/16 84/19 85/1 85/3 85/4 85/6 85/8 85/12 85/21 85/22 86/7 86/9 86/9 86/18 86/19 86/20 94/24 95/3 95/4 95/6 95/6 95/16 99/17 103/17 103/18 103/19 104/10 104/11 107/12 107/13 107/14 she's [13] 4/24 18/9 18/20 18/23 75/9 75/12 78/3 82/9 86/25 90/23 94/24 95/13 108/10 sheet [1] 102/5 Sherry [8] 84/19 84/22 85/10 85/20 86/2 86/4 86/6 86/13 Sherry's [3] 84/24 85/18 86/11 shift [6] 12/11 12/12 12/13 12/16 19/20 57/13 shirt [2] 13/14 41/18 should [8] 4/18 4/20 34/14 43/15
S	safe [2] 91/4 96/7 safety [2] 14/8 14/24 said [26] 8/9 10/9 16/24 17/12 19/19 19/22 33/13 50/13 56/1 64/7 67/20 68/16 78/13 80/24 84/2 84/22 86/2 86/9 87/24 88/19 95/6 95/24 97/7 101/20 108/4 111/10 sales [1] 51/16 same [15] 16/20 36/23 46/7 46/9 46/11 49/18 49/21 50/10 51/10 51/15 66/1 68/23 72/17 85/9 108/2 Saturday [1] 82/18 Saturn [6] 12/19 12/25 13/25 73/2 73/6 73/14 save [2] 101/7 101/8 saw [7] 16/5 16/13 23/17 26/22 47/23 75/14 109/12 say [26] 4/5 4/11 11/7 23/2 23/3 24/19 38/16 46/5 53/16 58/15 58/20 58/23 63/7 63/12 65/15 75/11 78/11 81/3 84/4 85/24 91/4 96/7 96/14 100/23 104/6 105/15 saying [9] 55/2 57/24 61/17 63/14 78/3 83/20 90/11 94/7 94/24 says [8] 34/5 54/10 54/20 63/7 65/3 65/20 101/25 104/23 scene [8] 42/4 42/7 42/9 63/5 66/19 67/14 69/13 74/3 schedule [2] 82/11 82/21 school [1] 34/8	
recording [8] 9/14 52/9 52/15 52/23 52/25 53/3 53/5 63/13 recordings [2] 21/14 27/16 records [1] 26/22 recover [4] 42/19 60/12 60/13 61/8 recovered [2] 79/2 103/8 recovery [2] 41/10 42/17 rectangular [1] 77/2 redirect [3] 2/10 71/4 99/14 refer [2] 56/25 92/17 referring [3] 55/7 57/1 58/21 reflect [2] 13/15 41/19 refresh [7] 43/4 43/12 43/22 47/24 48/5 55/18 64/25 refreshed [5] 44/9 44/11 49/7 49/10 50/7 refresher [1] 14/23 refreshes [1] 43/20 refreshing [3] 43/10 48/23 62/22 regarding [1] 14/6 regardless [1] 67/21 registration [1] 26/7 regular [1] 74/17 reinstated [1] 36/8 related [4] 15/24 16/18 29/25 33/17 relative [1] 111/9 release [4] 6/10 9/6 9/9 71/13 relevance [14] 29/24 30/7 31/4 32/7 33/19 33/20 60/24 62/16 66/21 67/4 68/1 68/9 69/9 82/4 relevancy [8] 28/1 28/4 30/16 30/17 68/10 83/11 94/14 98/23 relevant [3] 30/23 30/24 31/1 relying [1] 106/2 remain [2] 40/9 72/9 remanded [2] 107/17 107/17 remember [27] 13/23 43/16 43/17 44/18 47/19 48/2 48/3 49/13 49/22 49/23 53/15 53/16 56/19 60/10 62/11 66/9 82/21 84/15 87/14 91/19 91/21 92/14 92/19 93/6 93/21 93/21 93/23 remembers [1] 59/16 remove [4] 16/8 30/22 60/1 61/10 removed [15] 16/11 16/14 30/19 32/23 57/9 58/4 59/18 59/21 60/7 67/6 76/14 77/11 77/23 103/7 105/5 rephrase [6] 23/5 27/21 36/24 37/2 37/24 55/14 report [28] 36/19 42/23 42/25 43/1 43/2 43/3 44/3 44/5 44/6 47/21 47/23 48/4 49/5 49/6 49/24 50/1 54/7 54/10 54/20 56/5 56/5 56/14 56/17 63/7 65/2 74/10 101/25 102/4 Reported [1] 1/25 reporter [1] 111/5 REPORTER'S [2] 1/14 111/1 reports [3] 55/24 101/11 101/17 represent [2] 8/4 108/9 representation [1] 9/11 representing [2] 108/5 108/13 requested [1] 45/7 required [1] 37/10 requirement [3] 103/3 104/21 104/22 residential [1] 24/5 respond [3] 18/1 18/4 41/8 responding [1] 12/16 response [1] 30/13 rest [4] 100/1 100/8 100/10 103/11		

S	specifically [19] 11/25 12/8 12/15 27/19 41/4 41/8 44/7 45/22 46/3 47/14 49/5 49/12 50/1 51/15 55/7 82/8 86/2 95/17 103/15 speculation [1] 61/20 speed [3] 24/2 42/12 65/25 spell [2] 11/8 72/16 Spelled [2] 40/18 40/18 spot [2] 76/12 91/8 spread [1] 74/15 stand [11] 6/22 11/1 19/6 29/5 32/9 65/8 72/9 97/22 98/7 98/9 99/4 standby [7] 3/12 3/13 4/4 4/7 18/9 18/10 18/20 standing [3] 40/10 72/9 98/10 start [4] 12/13 15/18 101/23 103/11 started [3] 19/19 62/20 65/22 state [42] 1/5 1/7 1/20 3/17 5/14 5/17 5/23 7/19 7/23 9/2 9/8 10/23 11/11 25/14 34/8 36/6 39/11 40/1 40/20 48/8 63/25 64/6 64/13 70/13 71/16 71/18 71/22 71/24 72/15 72/21 80/2 101/7 103/12 106/13 109/3 109/9 109/11 109/12 109/16 109/16 111/2 111/6 STATE'S [15] 2/4 2/20 5/24 10/24 39/12 39/21 40/7 45/19 45/19 45/22 46/7 46/10 48/8 48/9 48/19 stated [6] 30/24 34/3 36/7 61/9 95/17 104/19 statement [5] 34/2 52/8 52/10 53/14 63/10 statute [3] 35/22 40/2 109/11 steering [1] 15/20 stems [1] 105/1 step [2] 26/19 26/23 steps [2] 46/19 46/22 still [10] 17/15 35/15 35/15 36/11 36/11 89/6 90/12 107/6 107/12 109/11 stipulate [1] 73/11 stolen [1] 103/9 stones [1] 31/10 stop [22] 12/17 12/22 17/14 19/24 21/10 21/16 25/19 27/25 33/11 36/15 41/9 41/13 42/2 42/11 52/1 63/6 74/25 78/23 84/17 86/24 101/14 104/15 stopped [4] 16/24 22/15 31/14 31/15 stopping [3] 9/17 13/2 97/1 stops [1] 12/2 storage [1] 58/25 straight [1] 30/9 stuff [7] 7/8 9/25 10/6 51/6 58/12 102/15 105/24 subpoena [2] 11/14 21/23 subsequent [1] 105/25 subsequently [1] 105/7 substance [5] 16/6 16/22 32/19 51/11 105/20 substances [1] 32/22 such [2] 26/5 32/18 suffice [1] 62/25 Sunday [1] 82/18 sunglasses [1] 59/1 supposed [3] 18/11 18/24 46/23 Supreme [6] 36/11 36/19 37/10 104/18 106/3 106/9 sure [12] 18/18 25/11 43/6 53/19 56/22 59/6 64/11 66/1 66/9 78/1	91/18 108/18 surgery [1] 90/9 suspicion [1] 22/11 sustain [6] 39/1 61/23 67/25 68/16 68/22 78/9 Sustained [2] 67/4 90/3 swiftly [1] 13/3 swing [3] 12/12 12/13 19/20 sworn [6] 11/2 11/6 40/11 40/15 72/10 72/14
should... [4] 55/23 100/23 100/24 108/9 show [17] 10/16 20/11 20/25 21/16 43/6 43/7 43/11 43/19 57/12 57/22 59/3 62/14 63/5 67/2 68/20 69/20 69/21 showed [4] 28/12 28/21 43/3 66/18 showing [9] 29/15 30/18 43/8 43/11 44/2 45/18 62/2 67/21 67/22 shown [1] 30/22 shows [3] 57/20 58/1 105/18 sic [1] 64/25 side [4] 25/19 25/22 46/17 85/15 sides [1] 75/18 signed [1] 63/8 since [2] 89/8 89/10 sir [29] 3/5 3/10 3/21 5/4 6/2 6/2 6/24 7/5 7/7 7/16 19/7 33/5 41/3 41/7 42/6 43/13 48/12 54/6 54/9 56/25 64/20 68/5 68/11 69/10 71/7 88/17 99/16 101/4 107/5 siren [1] 23/12 sirens [1] 22/23 Sister [1] 74/7 sit [5] 4/7 18/12 18/13 18/17 19/5 sitting [1] 18/10 situation [2] 37/6 38/12 six [2] 11/24 19/16 slight [2] 103/14 105/14 small [1] 32/21 smaller [1] 16/21 smell [11] 15/3 15/6 15/10 17/1 17/3 26/24 27/9 27/23 28/6 28/8 102/23 smelled [5] 14/11 16/25 26/20 35/18 105/3 smells [1] 15/3 Smith [3] 42/21 44/15 44/16 smoke [2] 86/19 97/18 smoked [1] 17/2 so [121] Social [1] 111/7 sole [1] 52/2 some [20] 13/5 16/8 22/16 33/11 34/17 34/19 44/25 52/3 61/25 76/22 79/14 79/15 81/2 90/23 102/13 102/14 105/15 105/20 105/21 105/23 somebody [2] 84/20 108/12 somehow [1] 77/12 someone [3] 17/2 51/5 86/21 something [19] 8/20 10/20 13/12 32/12 41/16 43/17 51/9 57/20 58/1 68/15 75/19 75/25 76/2 76/4 76/9 76/17 77/4 92/17 109/18 sometimes [4] 78/18 82/20 92/9 92/9 somewhat [2] 32/9 83/17 son [21] 80/12 80/13 80/14 80/20 85/25 87/23 88/10 88/15 88/24 89/14 89/15 89/19 91/24 93/16 94/9 96/13 96/15 97/6 97/9 98/16 99/3 son's [3] 88/13 89/13 99/9 soon [2] 16/14 42/9 sorry [14] 5/6 18/15 21/21 22/21 70/13 72/21 77/8 80/6 80/18 92/22 94/20 96/4 96/13 98/19 sounds [1] 26/10 space [3] 6/24 77/2 77/3 speak [1] 52/4 specific [1] 35/15	T take [11] 8/17 22/22 23/2 29/19 62/19 64/9 72/8 82/21 92/4 94/4 108/7 taken [7] 7/11 8/21 60/21 67/13 69/13 69/14 106/9 takes [1] 66/12 taking [2] 8/22 69/25 talk [3] 86/1 91/11 108/18 talking [19] 45/2 45/25 73/6 73/8 77/11 79/1 79/1 82/8 82/9 84/4 84/5 85/21 87/6 89/23 90/15 91/7 93/19 102/19 104/15 taped [1] 53/13 taught [1] 15/2 tear [1] 61/12 telephonic [8] 42/16 62/8 62/12 62/23 63/24 64/19 65/3 66/12 tell [11] 9/7 17/3 17/5 28/3 28/7 65/19 75/13 78/11 92/7 92/9 95/18 telling [2] 35/13 107/11 ten [9] 23/22 23/22 24/7 24/8 63/15 63/21 66/10 66/13 108/25 terms [1] 14/24 test [8] 45/6 45/8 45/12 45/24 46/11 46/23 47/8 47/11 testified [13] 11/6 23/17 29/24 39/16 40/15 72/14 86/25 95/14 100/24 100/24 101/22 103/25 104/4 testify [13] 42/24 64/24 66/14 100/6 100/6 100/12 100/16 100/23 100/23 101/3 103/16 103/17 105/2 testifying [7] 5/5 5/7 57/15 57/23 65/6 67/10 100/7 testimony [16] 5/2 5/21 29/3 39/9 59/6 59/10 59/15 59/17 59/18 63/9 64/4 71/14 71/15 99/21 99/21 104/12 tests [3] 47/1 47/6 48/11 than [7] 8/11 25/3 25/25 32/13 60/22 69/22 99/2 thank [7] 40/21 41/22 43/23 49/2 71/14 80/11 99/20 that [398] that I [1] 19/22 that ten [1] 66/10 that's [72] 6/9 7/7 7/7 8/6 8/19 9/7 9/10 9/16 10/10 14/4 14/14 19/21 22/6 23/4 26/15 30/23 32/13 33/6 33/9 33/20 35/4 35/22 35/22 36/19 39/14 39/18 41/11 42/3 43/8 44/14 44/17 45/10 46/2 46/7 46/9 46/11 50/11 51/19 52/6 53/18 57/10 57/21 57/24 58/16 59/7 59/14 59/16 59/17 63/17 64/4 65/14 68/15 70/3 70/7 70/10 73/12 75/12 79/25 83/25 84/9 86/25 95/2 95/13 96/18 97/6 99/9 101/5 102/15 103/3 106/8 108/2 110/1 that's why [1] 95/2 their [10] 7/22 8/4 14/9 32/19 69/17	

T		
their... [5] 79/16 87/14 87/20 88/1 89/4	32/23 33/10 33/23 34/9 36/2 36/2 36/2 39/2 39/3 39/6 39/15 41/2 41/4 41/24 44/5 46/23 47/3 47/4 48/7 48/18 53/23 64/14 65/25 69/11 71/6 71/10 71/13 71/17 75/10 77/7 77/10 77/19 78/24 78/25 79/9 82/9 82/15 85/22 88/10 89/22 90/22 92/20 92/25 93/1 93/2 95/9 95/12 98/12 99/24 100/1 100/5 100/9 100/18 100/18 101/2 102/8 103/14 105/13 106/15 106/22 107/8 107/18 108/5 108/7 108/17 109/5 109/10 109/18 111/8 111/12	travel [1] 26/4 traveling [1] 23/24 tray [1] 78/15 trays [4] 75/15 75/16 78/13 78/14 treated [1] 34/14 trouble [1] 80/21 true [1] 110/10 Trust [1] 36/12 truth [1] 90/20 try [3] 8/4 109/3 109/15 trying [4] 57/21 76/7 78/11 85/24 TUESDAY [4] 1/18 91/17 91/22 91/23 turn [5] 12/4 22/23 23/1 40/25 56/20 turned [4] 23/18 42/4 42/7 42/9 twice [2] 109/14 109/15 two [19] 4/3 4/11 4/14 4/14 13/2 13/23 17/4 17/6 19/2 24/23 30/12 59/4 81/14 87/18 87/19 97/5 97/12 98/12 103/21 two-door [1] 13/23 type [6] 12/17 35/14 51/11 60/17 67/2 68/20 types [1] 9/19 typically [1] 66/12
them [27] 9/7 9/8 9/10 18/3 18/12 23/13 27/17 32/23 45/6 45/8 45/9 51/6 55/22 55/25 79/24 81/8 82/21 87/16 87/22 88/5 88/14 88/23 89/5 89/8 89/10 89/16 91/9	those [18] 30/11 32/16 45/5 45/7 46/14 46/17 46/20 48/11 48/12 50/10 55/21 75/16 75/25 83/18 87/19 91/7 91/8 97/12	U
themselves [1] 8/4	though [7] 10/4 18/19 49/24 62/13 87/16 102/9 109/19	Uh [6] 35/12 73/16 84/8 92/3 96/1 108/15
then [37] 4/24 23/6 26/7 26/14 27/18 30/4 31/18 32/24 33/13 33/14 34/2 34/2 45/9 54/23 57/5 57/13 57/17 57/19 57/20 58/2 65/23 66/14 67/25 77/3 78/10 85/22 89/11 89/15 89/25 94/6 94/10 105/24 109/10 109/17 109/22 110/5 110/6	thought [1] 109/25	Uh-huh [6] 35/12 73/16 84/8 92/3 96/1 108/15
theory [1] 34/5	three [11] 10/13 24/23 25/1 31/21 49/14 49/18 50/8 50/9 51/19 79/23 95/16	unable [1] 37/8
there [84] 3/23 8/8 10/4 10/13 10/15 13/19 13/21 16/21 18/3 18/23 19/3 21/10 21/13 22/3 28/16 28/20 29/15 29/15 29/23 30/5 31/11 33/12 35/1 35/19 36/5 36/22 37/6 37/17 37/18 38/1 38/3 38/5 38/10 38/11 38/19 39/25 44/8 44/24 44/25 46/4 51/9 52/12 55/24 56/18 57/4 57/4 57/8 58/9 58/24 59/4 59/21 60/8 61/8 62/17 63/6 65/14 68/22 68/25 74/25 76/10 77/5 78/13 78/23 79/18 79/23 84/17 88/13 89/19 93/25 94/6 95/16 95/19 95/20 98/17 101/14 102/13 102/16 102/24 104/23 105/9 105/18 105/19 105/21 107/6	three-second [1] 24/23	unconstitutionally [1] 103/10
there's [19] 13/2 22/13 30/10 31/6 43/17 46/13 46/18 52/25 57/3 69/15 69/19 76/19 77/1 77/4 101/10 103/2 105/15 105/23 108/17	through [8] 14/19 14/21 15/17 32/11 62/11 82/2 82/18 87/6	under [7] 15/19 17/22 46/13 54/22 59/19 105/6 105/8
Thereabouts [1] 64/23	Throughout [1] 101/24	underneath [2] 55/15 57/9
these [14] 34/21 45/20 47/6 65/13 75/9 81/6 83/6 89/3 91/3 96/6 102/18 106/16 106/20 106/24	thrown [1] 75/10	understand [33] 5/3 6/24 7/1 7/9 18/21 18/25 21/1 29/8 31/3 33/10 34/7 34/16 34/18 34/24 36/6 63/19 75/10 78/1 85/24 100/5 100/13 100/17 100/20 100/21 100/25 102/10 102/11 102/21 105/24 107/15 107/25 108/2 108/14
they [52] 7/1 7/8 7/11 7/12 7/18 9/15 18/2 22/15 22/15 32/23 32/24 35/13 36/14 36/14 39/25 43/18 43/19 55/23 69/6 69/16 74/19 75/16 76/12 76/14 78/15 78/16 81/1 81/11 83/17 84/20 87/20 87/24 87/25 88/7 88/8 88/8 89/5 89/15 89/16 91/4 91/8 91/9 104/20 105/10 105/19 105/22 106/11 109/12 109/14 109/15 109/25 109/25	till [3] 22/4 22/23 22/25	understanding [4] 22/22 51/25 52/9 58/7
they're [11] 4/14 7/12 10/18 10/19 56/1 68/25 69/1 69/18 75/10 88/5 89/20	time [63] 3/16 4/22 6/5 12/13 21/2 23/7 23/9 23/16 23/18 23/20 23/25 24/8 24/9 25/3 25/6 25/7 25/23 25/23 26/14 28/1 28/9 28/11 37/18 38/6 38/20 39/3 47/3 47/4 48/18 54/17 61/5 62/7 63/12 65/18 66/6 66/8 66/10 68/7 71/13 71/17 79/8 81/12 81/21 82/9 82/21 84/6 84/12 84/14 86/15 86/19 87/12 88/10 90/8 92/5 92/19 94/7 95/18 95/24 99/24 100/2 106/15 108/20 109/11	understood [1] 90/13
thing [11] 4/11 10/7 14/6 58/7 75/19 75/22 100/5 102/22 108/2 109/7 109/19	time-share [1] 81/21	unfortunately [3] 6/6 8/2 106/2
things [2] 38/1 75/9	times [4] 10/13 65/14 88/13 93/25	uniform [1] 66/19
think [36] 6/13 17/12 20/18 22/14 22/15 25/3 29/4 34/9 34/14 34/19 34/24 56/15 58/17 62/5 65/7 66/7 66/8 69/18 70/8 79/1 80/24 82/25 86/25 87/12 87/12 88/20 90/13 90/23 92/25 93/1 94/16 97/6 103/13 104/11 108/9 109/24	tires [2] 24/16 24/17	unique [1] 51/9
third [2] 29/23 50/6	today [7] 5/5 10/11 10/21 13/9 41/12 53/14 100/9	unlawful [2] 103/6 106/7
Thirty [1] 24/6	together [1] 108/10	Unless [1] 103/2
Thirty-five [1] 24/6	told [5] 10/1 27/19 28/7 32/22 107/14	unmarked [3] 69/4 69/5 69/6
this [97] 3/9 3/15 4/2 4/13 4/14 4/16 4/22 6/5 8/2 8/9 8/17 9/23 9/24 9/25 10/2 10/6 12/6 12/8 13/22 15/2 17/12 18/6 18/10 18/24 22/20 27/19 31/5	too [8] 9/16 25/15 48/4 75/1 75/19 84/21 87/13 87/15	unsound [1] 53/10
	took [7] 22/3 22/25 23/7 30/11 55/5 84/21 92/7	until [1] 84/5
	tooth [4] 29/20 30/19 31/20 31/22	up [33] 6/19 6/21 6/22 9/11 10/2 11/1 19/6 28/12 34/22 36/1 42/12 57/5 57/12 59/5 63/5 66/18 68/6 70/11 73/24 74/2 74/18 95/23 98/7 98/9 98/10 99/15 100/15 105/23 106/9 106/17 106/24 109/21 109/22
	top [2] 44/7 104/19	upon [3] 23/14 74/12 106/2
	towards [2] 12/23 38/11	upper [1] 46/3
	TOWNSHIP [1] 1/4	ups [2] 39/4 71/2
	traffic [13] 12/2 12/17 12/22 17/14 20/5 22/4 22/23 22/25 25/18 26/4 41/9 41/13 42/2	upside [1] 56/21
	trail [1] 3/8	urge [1] 108/19
	trained [2] 15/3 108/13	urged [1] 10/5
	training [13] 14/12 14/16 14/21 15/2 15/7 32/16 47/5 51/9 51/12 104/1 104/4 105/2 105/4	us [1] 75/13
	transcript [2] 1/14 110/10	use [13] 38/17 43/17 43/18 43/19 43/22 88/11 90/1 90/6 91/3 94/6 95/17 95/18 96/6
	transcription [2] 62/12 64/24	used [16] 29/6 46/11 74/16 74/20 78/20 78/22 81/14 85/6 85/8 86/15
	transcripts [2] 10/20 110/5	
	transferred [1] 7/18	
	transport [1] 9/1	
	transporting [1] 70/22	

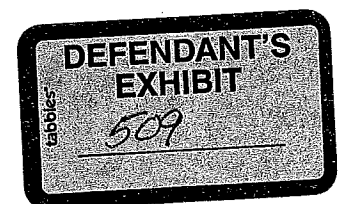
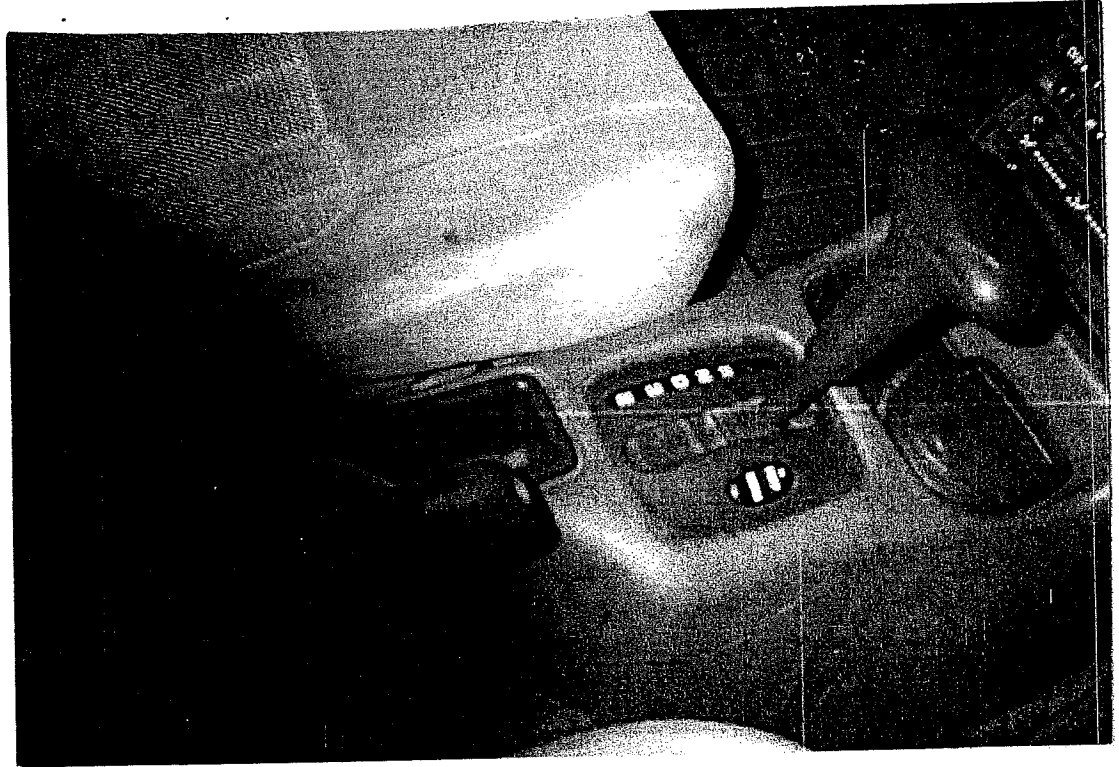
U	104/25 105/11 106/6 warrantless [1] 103/1 warrants [3] 79/18 79/20 104/21 was [323] Washington [2] 85/3 85/4 Wasim [1] 3/4 wasn't [2] 51/25 89/15 way [12] 6/9 14/8 20/7 20/9 22/4 43/15 56/9 56/10 56/11 60/17 61/17 95/4 ways [1] 105/22 we [43] 3/7 3/8 4/1 5/16 6/7 6/7 6/9 6/18 6/25 7/3 7/4 7/15 9/10 17/14 18/8 30/1 30/6 46/11 52/12 55/20 61/2 62/14 64/9 64/15 65/13 65/15 65/25 66/22 69/9 70/5 70/9 73/8 73/11 74/20 86/18 99/19 100/3 103/25 104/3 105/16 106/19 109/5 109/24 we'll [4] 3/11 4/16 5/15 30/4 we're [22] 4/25 10/10 10/21 10/21 39/19 45/25 61/24 62/5 66/1 68/1 69/10 73/6 79/1 79/1 84/4 84/5 87/6 89/23 90/15 91/7 101/22 107/22 we've [6] 62/4 69/1 90/23 94/16 105/12 105/13 weapon [5] 29/15 32/13 41/10 44/20 60/25 weapons [3] 28/25 31/16 33/17 wearing [4] 13/13 21/11 41/16 41/17 week [4] 79/10 82/23 82/23 91/18 weekends [1] 82/3 weighing [3] 49/21 50/10 51/15 weight [1] 47/15 weights [3] 49/25 50/1 50/8 well [53] 6/16 7/17 14/23 14/24 16/19 17/14 22/10 22/14 23/11 27/8 27/18 29/1 30/2 31/5 31/11 36/22 38/15 44/2 51/18 52/24 56/9 57/11 57/18 57/21 58/9 62/3 65/7 67/6 67/11 67/20 67/23 69/19 69/24 70/7 74/15 78/3 83/21 87/24 88/16 90/9 93/8 93/24 94/13 94/24 97/21 100/4 101/19 101/21 101/23 102/22 104/10 106/8 107/10 went [8] 20/1 26/8 61/8 74/24 75/21 85/3 91/4 95/24 were [83] 3/14 8/23 9/15 12/8 15/2 15/13 15/21 17/11 17/15 21/6 21/11 21/13 23/24 24/14 26/1 26/22 28/21 30/22 32/23 32/24 35/10 35/13 36/2 36/3 37/8 41/4 44/25 47/3 48/20 50/9 51/1 51/1 54/21 54/24 56/23 57/6 58/4 60/7 60/21 60/22 63/4 64/12 64/16 66/19 69/6 69/14 69/16 70/21 70/22 73/15 75/4 75/16 75/18 78/10 78/15 78/16 79/23 80/25 81/6 82/22 82/23 83/6 83/6 86/11 87/20 88/3 88/7 89/25 90/1 90/5 90/14 91/8 91/8 91/9 91/19 95/16 95/25 97/6 103/7 105/19 105/22 106/2 109/25 Wesson [3] 42/21 44/15 44/16 west [2] 17/15 41/9 westbound [1] 12/23 what [96] 3/7 4/9 4/24 10/19 12/11 12/13 15/3 15/10 16/3 17/24 23/3 25/9 26/18 27/8 30/15 30/21 31/4 32/4 33/25 34/1 34/2 34/5 34/10 36/3 36/14 37/3 42/8 42/12 43/4 43/8 43/10 43/11 43/13 43/19 46/5 47/8
used... [6] 90/8 91/4 93/17 93/18 96/12 96/15 user [2] 94/9 96/9 using [3] 89/25 90/5 90/14 usual [1] 81/22 usually [3] 18/12 82/17 82/19	47/11 47/14 48/1 50/17 52/21 55/2 55/7 55/12 55/12 56/2 56/16 57/21 57/24 58/6 58/21 60/24 61/5 61/20 62/7 64/1 64/6 64/7 65/18 68/2 68/2 69/9 69/17 69/21 72/9 73/6 75/13 75/17 77/4 77/10 78/17 78/25 79/2 80/6 81/22 82/11 83/20 84/17 85/24 91/14 91/16 91/18 92/19 94/12 95/13 97/6 101/15 101/19 101/21 101/22 105/12 105/13 107/10 107/11 107/19 108/11 what's [13] 5/4 5/7 14/5 22/18 34/22 45/18 63/25 64/1 68/10 84/24 96/19 98/23 107/15 whatever [3] 4/15 59/1 90/20 when [68] 7/18 7/18 8/8 11/14 13/8 13/20 14/5 15/13 15/16 16/11 16/24 17/7 17/8 17/11 17/14 17/21 19/22 19/23 22/15 23/12 24/15 24/20 26/3 26/11 26/14 26/15 26/21 28/23 35/4 35/6 37/18 38/10 41/24 42/7 44/8 46/23 47/6 55/5 56/25 58/20 58/23 61/6 61/8 63/14 63/16 65/9 65/21 66/15 66/18 68/7 70/21 75/9 81/5 82/9 82/17 89/25 90/5 90/6 90/14 91/3 91/9 91/19 92/13 93/24 95/24 98/4 98/16 103/24 where [31] 15/13 17/11 23/8 33/10 44/20 55/5 55/16 56/12 57/6 57/12 58/12 58/25 59/7 64/15 69/10 69/13 69/24 70/3 75/21 78/7 81/20 85/9 88/10 88/13 91/9 91/19 93/25 102/22 105/19 107/25 108/11 Whereupon [7] 3/14 11/3 40/7 40/12 48/19 64/12 72/11 whether [10] 27/12 51/5 67/21 69/22 95/19 100/22 104/6 104/7 105/15 108/8 which [29] 9/17 12/14 12/25 21/16 24/4 31/6 32/16 32/19 36/8 37/13 56/18 57/8 59/11 83/17 103/7 103/25 104/3 104/23 105/5 105/7 105/9 105/14 105/17 105/20 106/4 106/7 106/10 108/17 108/18 who [10] 42/11 42/11 51/14 74/2 74/6 83/6 83/11 83/21 86/21 87/3 who's [2] 5/20 108/12 whole [11] 6/5 34/23 46/18 59/1 76/12 76/19 77/1 82/9 88/10 98/21 101/24 whose [1] 88/4 why [11] 8/3 22/20 22/22 36/3 37/3 86/6 89/13 95/2 95/5 102/4 110/1 will [10] 5/23 7/8 8/18 57/12 59/3 62/25 72/3 76/6 86/19 108/18 window [4] 14/7 14/10 17/9 17/9 windows [2] 14/10 26/1 wires [1] 58/16 wish [3] 71/25 99/15 99/24 within [8] 9/21 10/3 62/24 63/15 63/21 66/10 79/10 111/8 without [14] 13/2 13/2 36/16 62/22 64/23 65/12 75/1 75/13 88/14 88/24 89/19 102/25 104/24 106/5 witness [27] 5/2 5/15 5/20 5/20 5/23 5/24 10/23 10/25 11/5 11/13 13/16 18/7 39/6 39/13 40/14 41/20 43/24 45/15 48/22 50/3 53/23 65/25 71/10 71/25 72/2 72/13 80/15 witnesses [10] 4/1 4/11 4/14 4/22
V	
value [1] 16/12 varies [1] 82/19 various [1] 83/16 VEGAS [7] 1/4 3/1 11/20 12/1 19/16 41/5 111/12 vehicle [111] 5/11 5/12 13/6 13/8 13/10 13/19 13/22 14/5 14/6 15/6 15/11 15/12 15/14 15/15 15/16 16/19 16/24 17/2 17/8 17/12 20/2 20/11 20/13 20/25 21/3 21/7 23/25 25/25 26/8 26/15 26/19 26/21 26/23 28/24 33/14 35/17 36/15 36/15 36/17 37/7 37/11 37/12 38/3 38/5 38/8 42/11 51/23 52/1 57/1 57/2 58/22 61/12 61/13 67/8 69/3 72/7 73/3 73/6 73/21 73/22 73/24 74/2 74/12 74/14 77/23 78/5 79/2 79/19 80/25 81/9 81/16 82/10 82/12 83/7 84/13 87/11 87/15 87/22 87/23 88/11 90/14 90/24 91/4 91/5 91/15 91/20 92/15 93/4 94/10 94/17 94/18 95/7 96/9 96/12 96/15 97/3 97/6 97/7 97/10 103/15 103/17 103/18 103/22 103/24 103/25 104/10 104/24 105/5 105/7 105/11 106/4 vehicles [3] 14/9 69/7 81/13 venture [1] 62/21 venues [1] 109/2 verify [3] 9/16 59/15 71/20 versus [2] 4/14 64/13 very [10] 8/15 15/18 23/11 62/19 63/11 83/3 103/10 104/8 104/8 104/16 vicinity [1] 67/7 video [1] 30/22 view [2] 67/15 67/17 violated [1] 8/16 violation [10] 20/5 21/18 23/7 23/8 23/14 23/17 26/5 33/12 103/3 106/1 violent [2] 28/20 28/22	
W	
wait [2] 4/25 5/21 waiting [1] 39/20 Waldo [6] 1/24 18/9 18/13 108/6 108/10 108/18 walk [6] 83/3 83/4 83/5 90/8 90/11 94/7 walked [2] 94/24 95/24 walking [3] 90/9 90/10 95/25 want [26] 7/21 8/16 9/20 9/22 9/22 10/14 12/4 18/18 19/1 19/5 23/20 31/9 32/1 33/25 40/25 42/24 53/19 70/10 72/20 73/6 80/20 82/10 87/24 90/19 107/10 107/19 wanted [3] 10/3 66/4 92/5 wants [6] 4/13 30/24 79/14 95/4 104/6 107/17 warrant [26] 35/20 36/16 37/8 37/9 38/23 42/16 62/8 62/13 62/18 62/23 63/8 63/24 64/2 64/7 64/8 64/19 65/3 65/15 65/17 65/20 66/12 103/1 103/2	

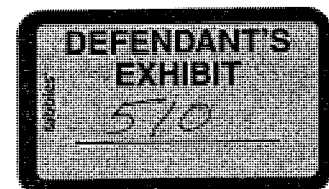
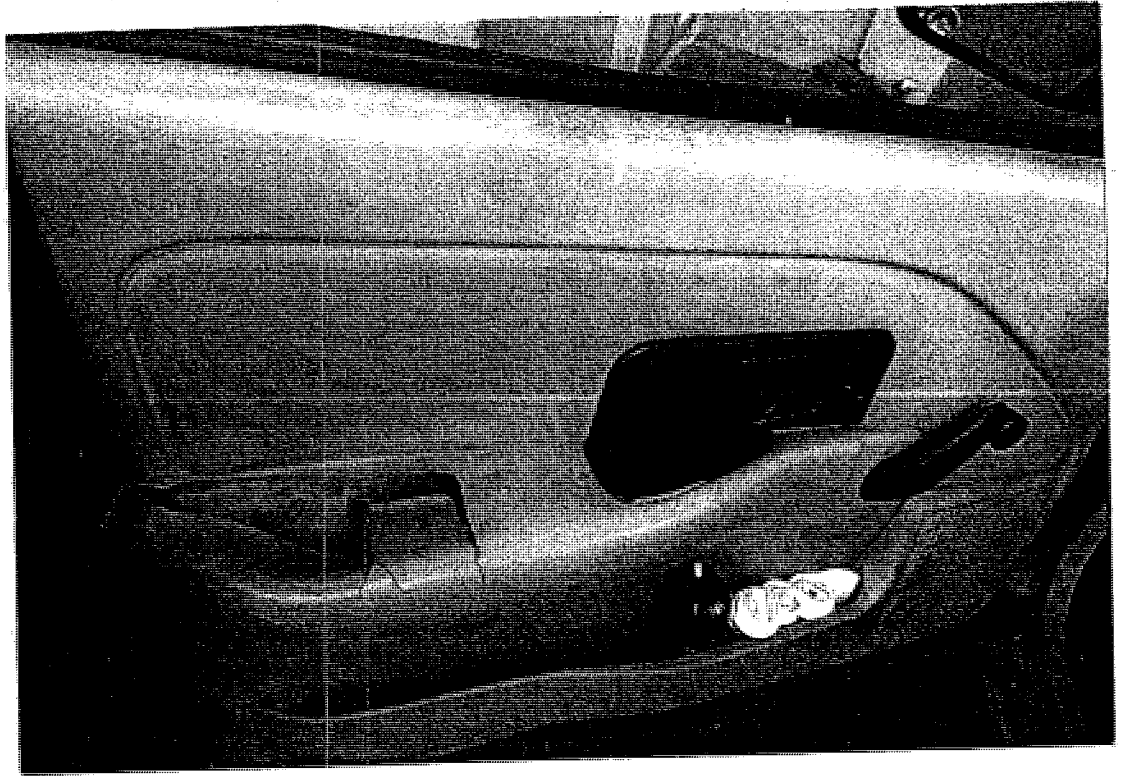
W

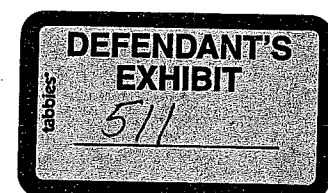
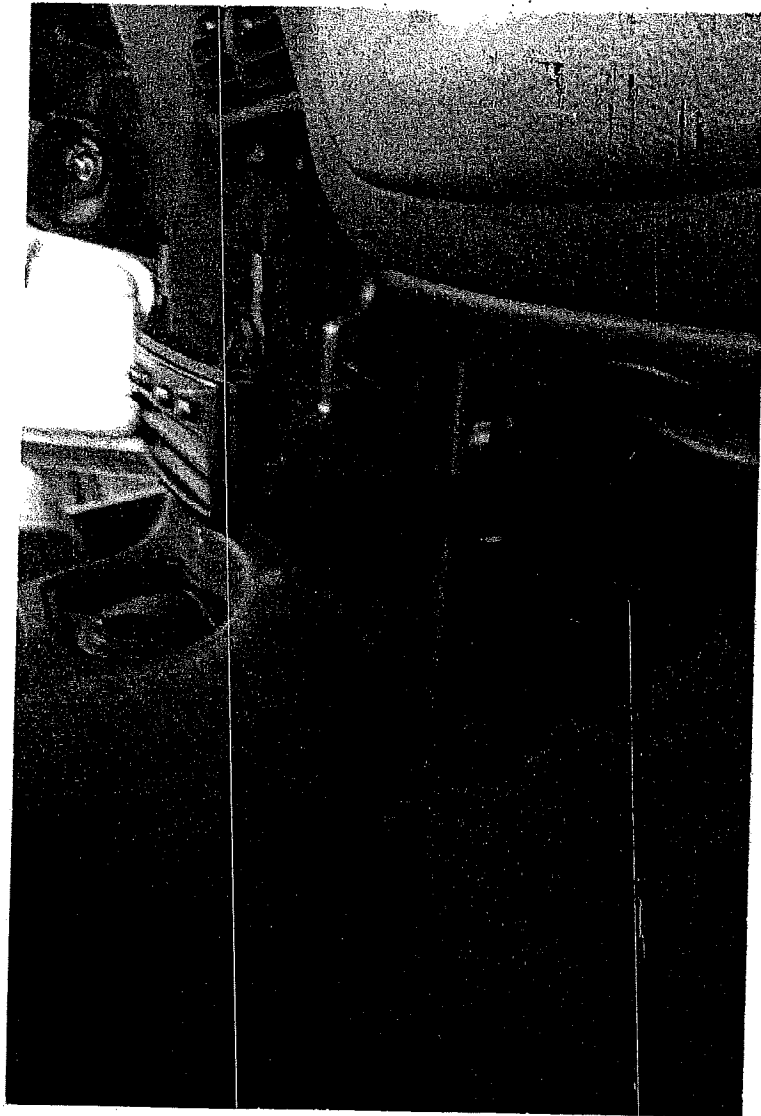
witnesses... [6] 5/22 39/10 71/15
 71/23 99/22 99/24
word [3] 35/23 38/18 58/20
wording [1] 22/8
work [18] 3/23 7/7 12/11 81/18
 81/20 81/21 81/23 82/2 82/3 82/11
 82/12 82/18 83/2 83/3 83/4 91/13
 95/25 108/10
worked [4] 50/20 50/22 50/23 50/24
working [5] 12/9 60/6 62/20 82/22
 82/24
worms [1] 70/10
would [57] 4/11 7/23 8/4 20/10
 21/16 24/4 24/19 25/9 25/14 26/13
 29/23 30/7 30/9 30/9 30/12 34/8
 38/17 40/1 42/23 42/25 43/1 43/3
 47/21 47/23 48/4 48/6 48/8 55/18
 56/13 58/25 61/16 62/12 62/21 63/7
 63/9 63/12 64/25 65/11 81/9 86/6
 87/10 88/8 88/9 89/13 89/18 90/6
 92/9 94/3 94/5 94/6 96/6 96/14 102/4
 108/3 108/6 108/12 109/21
write [4] 6/13 6/14 7/2 7/3
writing [2] 75/9 75/12
written [4] 43/1 43/2 54/7 54/8
wrote [1] 44/5

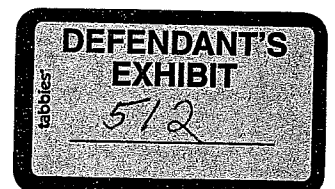
Y

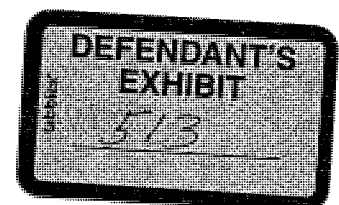
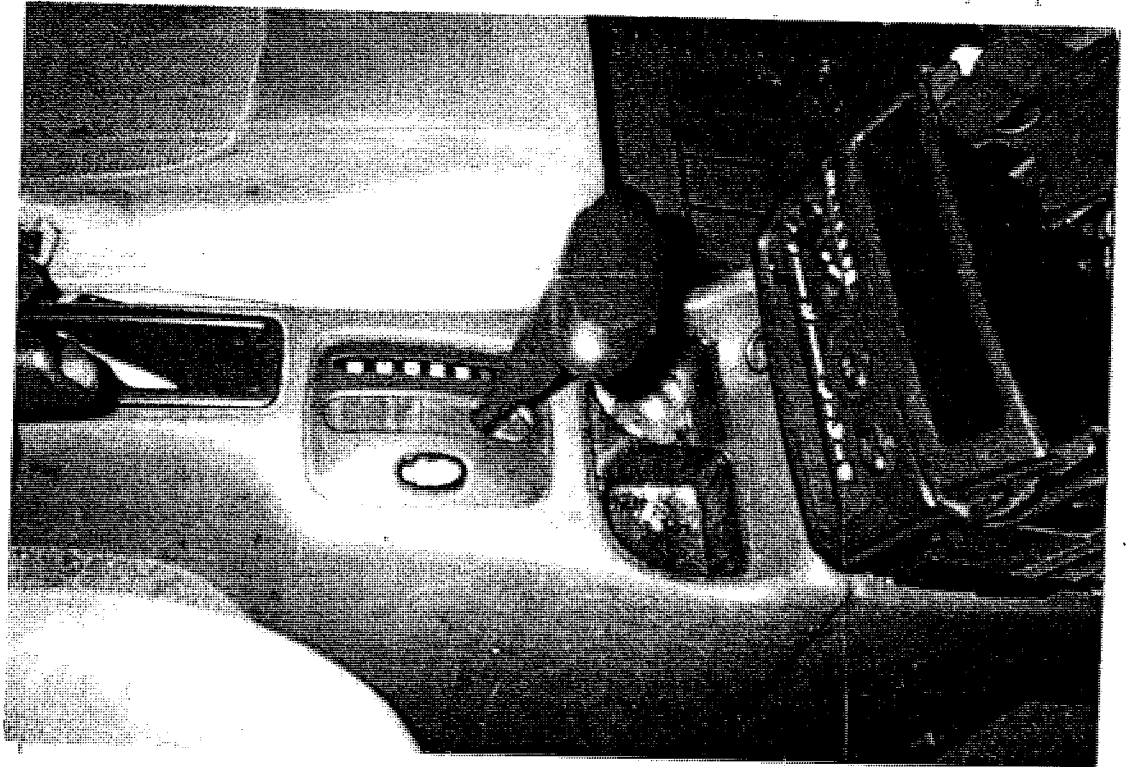
yards [1] 67/13
yeah [17] 20/8 25/4 26/13 27/3 37/2
 44/10 49/9 76/12 76/16 76/20 79/7
 81/1 87/16 88/12 91/6 93/12 97/8
years [5] 11/24 19/16 50/20 51/8
 99/8
yellow [4] 7/4 7/6 13/14 41/17
yes [131]
yet [3] 52/12 52/19 53/1
yield [3] 20/4 20/6 21/19
yielded [1] 105/8
yielding [1] 13/3
you [527]
you're [34] 4/4 4/4 4/7 4/22 5/1 6/6
 6/8 6/25 10/2 18/24 24/7 33/10 33/22
 39/8 46/22 51/23 52/20 52/25 55/2
 55/6 60/18 61/17 85/21 85/24 100/11
 100/15 102/18 105/18 107/8 107/22
 108/1 108/7 108/11 109/10
you've [10] 7/11 10/9 19/15 34/19
 34/25 62/3 69/15 69/16 101/3 102/13
young [1] 89/21
your [235]
yourself [3] 99/2 108/5 108/9











Las Vegas Review-Journal



Michael Kitchen, left, the Metro detective facing charges of assaulting and robbing a prostitute, makes his initial court appearance Jan. 27 in Las Vegas Justice Court.

Evidence in gun case tied to embattled cop unsealed

Lawyers for suspect in federal case get to review statements

By JEFF GERMAN

APRIL 17/18 (12 PM)

Defense lawyers in a federal firearms case will get to see evidence Las Vegas police have against an embattled detective charged with assaulting and robbing a prostitute.

Police had fought to keep the evidence secret, but U.S. Magistrate Judge Nancy Koppe said in court late Monday that a statement to police by Detective Michael Kitchen should be turned over because it is relevant to his credibility as a witness in the gun case.

Lawyers for the federal defendant, Richard Ward, are pushing to get evidence seized through a search warrant prepared by Kitchen quashed over due process violations. Kitchen, a 15-year department veteran, was accused of assault just hours after he testified against Ward in federal court.

Koppe said she is considering turning over more evidence police gathered against Kitchen to the defense and will issue a written ruling later this week. The additional evidence includes an analysis of Kitchen's cellphone records.

The defense suspects the records will show that even before he testified against Ward, Kitchen was making plans to see the prostitute — effectively planning to commit a crime.

Assistant Federal Public Defender William Carrico, who represents Ward, had asked Koppe to privately review police reports of both the internal and criminal investigations of Kitchen and then provide relevant information to the defense.

Police department lawyers, however, filed court papers arguing against giving any of the evidence to the defense on several grounds, including that the reports contain sensitive information about undercover activities of Kitchen and other detectives.

The lawyers also contended that investigations of Kitchen are ongoing and could be jeopardized.

Ward faces a felony charge of possessing an unregistered rifle with a silencer

that was seized in his home based on a search warrant Kitchen obtained following a police response to a disturbance call there.

Kitchen and other Las Vegas detectives assigned to the joint local-federal gun-crime task force found 78 firearms, including rifles illegally altered by shortening their barrels and adding silencers, a pistol with a silencer and an operation for manufacturing illegal silencers, according to a federal criminal complaint.

Carrico had challenged the constitutionality of the search warrant before Kitchen's arrest and supplemented his argument afterward with questions about the detective's conduct.

Kitchen has been charged with robbery, battery and attempted sexual assault charges; he is now suspended and free on \$150,000 bail pending trial. He has a preliminary hearing on May 5 in Las Vegas Justice Court to determine if there is enough evidence to bind him over for trial.

According to a police report, Kitchen went to the apartment of a woman who works for an escort service about two hours after he testified in federal court on Jan. 22. The woman later told officers Kitchen became "angry and ultimately violent" when told her initial \$100 fee was only for "time and company" and that sex would cost another \$150.

Kitchen, who has denied wrongdoing, is alleged to have punched the woman, whose identity has not been made public, twice in the head and to have shoved her to the floor, breaking her wrist. He is also accused of taking five \$100 bills from her bag before leaving the scene. He was arrested the following day.

Federal prosecutors acknowledged the criminal case against Kitchen "does not reflect positively" on him but contended the evidence sought by the defense has no bearing on the Ward case.

The prosecutors were in court Monday but did not take a position on whether Koppe should turn over the Kitchen evidence to Ward's lawyers.

Contact Jeff German at jgerman@reviewjournal.com or 702-393-8135. Find him on Twitter @JGermanRJ.

DEFENDANT'S
EXHIBIT

514

Defense in weapons case assails detective's credibility

Police officers can give
afternoon training
with no extra cost.

By Jeff Gorman
10 Years Ago

McDonnell has been publicly accused of a price charged with building and running a profit-driven, public school system, and been accused of trying to persuade a federal judge to toss out evidence that would prove the charges he faced, put together.

Defense lawyers raise questions about Michael Smith's credibility



1000

that the publisher later notified his sworn wife, with permission to send Richard Ward's name among a cluster

DEFENDANT'S EXHIBIT

5/5

War traces the life of a young
 charge nurse, the young reg-
 istered nurse with a diploma in

A 27-year-old female, inactive, was assigned to a three-year probation with federal sports found 3.78 times and, including a fine illegally charged by shortening the probation and adding a second violation with a sleeper and no qualifications merit the withdrawal of the license in the more recent degree a criminal complaint.

Suchenring's feelings and attitude at his imprisonment in 1941 were, just as before, those he was already displaying in 1934, and he again, with fellow prisoners Gailowsky and Wittenberg, served out his 12 months in a somewhat different manner.

He later entered what is called an "old-time" school of Christian "cross" meditation, a kind of self-challenge and was sent one at a time to the 100 years' prison term. Under the "old-time" school of administration, but education, for prisoners is not enough, violence to prove his faith.

Kitchin, on his paid administrative leave from the Metropolitan Police Department, has a three-year, \$100,000-a-year contract. He cannot be fired until the end of his term, and if he makes it through probation without violations, no decision about his future will be determined and made public.

Postscript: Secretariat

ESS FICHIER

大
 同
 中
 正
 刊
 刊

THE
NEW
YORK
PUBLIC
LIBRARY
ASTEN LENOX TILDEN FOUNDATIONS

Barclay, Wiley, and I had written a paper on the year 1980, and I had been in the process of doing it for some of the previous year. I had been in the process of doing it for some of the previous year. I had been in the process of doing it for some of the previous year.

Groundwater in the
United States by
 R. S. Anderson and
 J. R. Hunt, eds. 1985.
 National Academy Press,
 Washington, D.C. 20540.
 290 pp. \$25.00.

This book is a collection of 14 papers presented at a symposium on groundwater in the United States, held in Washington, D.C., in 1984. The papers are arranged in four sections: (1) Groundwater in the United States: A Review; (2) Groundwater in the United States: A Case Study; (3) Groundwater in the United States: A Case Study; and (4) Groundwater in the United States: A Case Study.

the fact that the "new" law was the only one that was not challenged in court. The fact that the "new" law was the only one that was not challenged in court.

[illegible]

It is also possible that the presence of a group of people in a room may be a factor in the decision to use a firearm. The presence of a group of people may increase the perceived risk of being shot, and this may lead to a decision to use a firearm. The presence of a group of people may also increase the perceived risk of being shot, and this may lead to a decision to use a firearm.

PD: Detective insisted he was seeking massage in escort-beating case

Posted: Jan 27, 2015 10:30 AM PST
Updated: Apr 07, 2015 10:37 AM PDT

Written by Matt Guillermo

CONNECT



Michael Kitchen, a detective with Las Vegas Metro police, was arrested on Jan. 22, 2015. (Source: LVMPD)

LAS VEGAS (FOX5) - A detective accused of beating a woman over a disagreed fee for sex insisted he was at the victim's apartment to get a massage and denied hitting her.

Details of Las Vegas Metro police Det. Michael Kitchen's arrest were disclosed Tuesday in an arrest report. Kitchen is facing counts of battery with intent to commit sexual assault resulting in substantial bodily harm, attempted sexual assault, battery with intent to commit a crime and robbery.

In documents, police were able to tie Kitchen to a Jan. 22 assault of a woman working as a prostitute through phone records, surveillance video and witnesses.

Citing the victim, police stated the woman had an arranged meeting with the suspect before 5:30 p.m. at her east Valley apartment. The woman later told officers the suspect grew angry when he was told the \$100 he was quoted by her escort agency was only for 30 minutes of company only and sex was an extra fee.

In the report, the woman stated the suspect demanded his cash back and, after some arguing, shoved her. The woman said the man tried ripping her clothes off while also holding her down and hitting her in the face.

After grabbing the money from the victim's bra, the suspect ran from the building and then sped off in a vehicle.

The woman provided investigators with the phone number used to contact her for the arrangement, which records showed belonged to Kitchen.

In the report, Kitchen told investigators he met the woman through a social media site in search for a massage but denied hitting the woman. When confronted as to why he decided to pay \$100 for a 30-minute massage rather than go to a chain business, he insisted the method he sought the rub-down wasn't unusual.

Investigators also confronted Kitchen about him changing license plates on his vehicle, which was seen by a witness at the scene. Kitchen insisted he didn't want any possible trouble with the woman's escort agency.

The woman was treated for a mild concussion, a fractured wrist and scratches to her breast area, police said.

Most Popular Stories

More>>

MENU

Teen charged with encouraging her boyfriend to kill himself



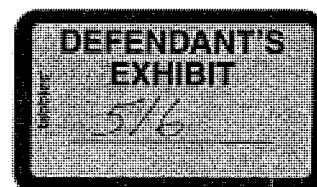
Fire destroys 'world's largest biker bar'



Maricopa Mugs: August Arrest Photos Volume 4



[more +]



RJ | reviewjournal.com

<http://www.reviewjournal.com/news/las-vegas/former-metro-detective-reaches-plea-deal-alleged-attack-prostitute>

Former Metro detective reaches plea deal in alleged attack on prostitute

By DAVID FERRARA LAS VEGAS REVIEW-JOURNAL

May 5, 2015 - 1:55pm

A former Las Vegas police detective accused in an attack on a prostitute cut a deal with prosecutors Tuesday that is expected to result in probation.

In a last-minute compromise made with prosecutors just before the start of a preliminary hearing, Michael Kitchen agreed to plead guilty to attempt theft or attempt battery with substantial bodily harm.

At a hearing later this month, Kitchen is expected to enter what's known as an Alford Plea to one of those charges. That means he doesn't admit guilt, but acknowledges prosecutors have enough evidence to prove his guilt. The charge would be entered in the court records as a "wobbler," or a case that can be treated either as a low-level felony or a gross misdemeanor.

Both prosecutors and defense lawyers agreed to treat the case as a gross misdemeanor, according to Kitchen's lawyer Josh Tomsheck.

Kitchen would likely get a maximum of three years probation in the case. Once he completes probation, the charge could be reduced to a simple misdemeanor, Tomsheck said.

The original charges against Kitchen — battery with intent to commit sexual assault resulting in substantial bodily harm, battery with intent to commit a crime, robbery, and attempted sexual assault — carried the possibility of life in prison.

"He wasn't given a negotiation based on who he is," Tomsheck said. "He was given a negotiation based on the strength of the state's case."

The victim told police that detective Michael Kitchen paid her \$100 for her "time and company," and when she told him that sex would cost another \$150, he became "angry and ultimately violent." The woman was later taken to Desert Springs Hospital, where she was diagnosed with a concussion and a fractured wrist.

Kitchen initially told officers he drove a police vehicle to an apartment in the 2500 block of Flamingo Road for a massage, as advertised on a website, a police report said. He told detectives a massage at a legitimate business is too expensive.

A detective in the firearms division, Kitchen started working for Metro in September 1999. He was paid \$173,836 in 2013.

Tomsheck said Kitchen, who is no longer a Metro officer, "adamantly denies all the allegations."

Kitchen agreed to take the deal rather than "going to trial and risking everything," Tomsheck said.

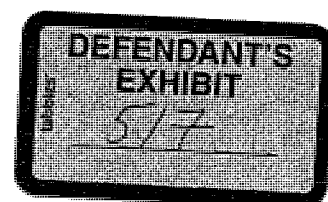
Meanwhile, a federal judge ruled last week that defense lawyers in a separate firearms case should see evidence Las Vegas police have against Kitchen.

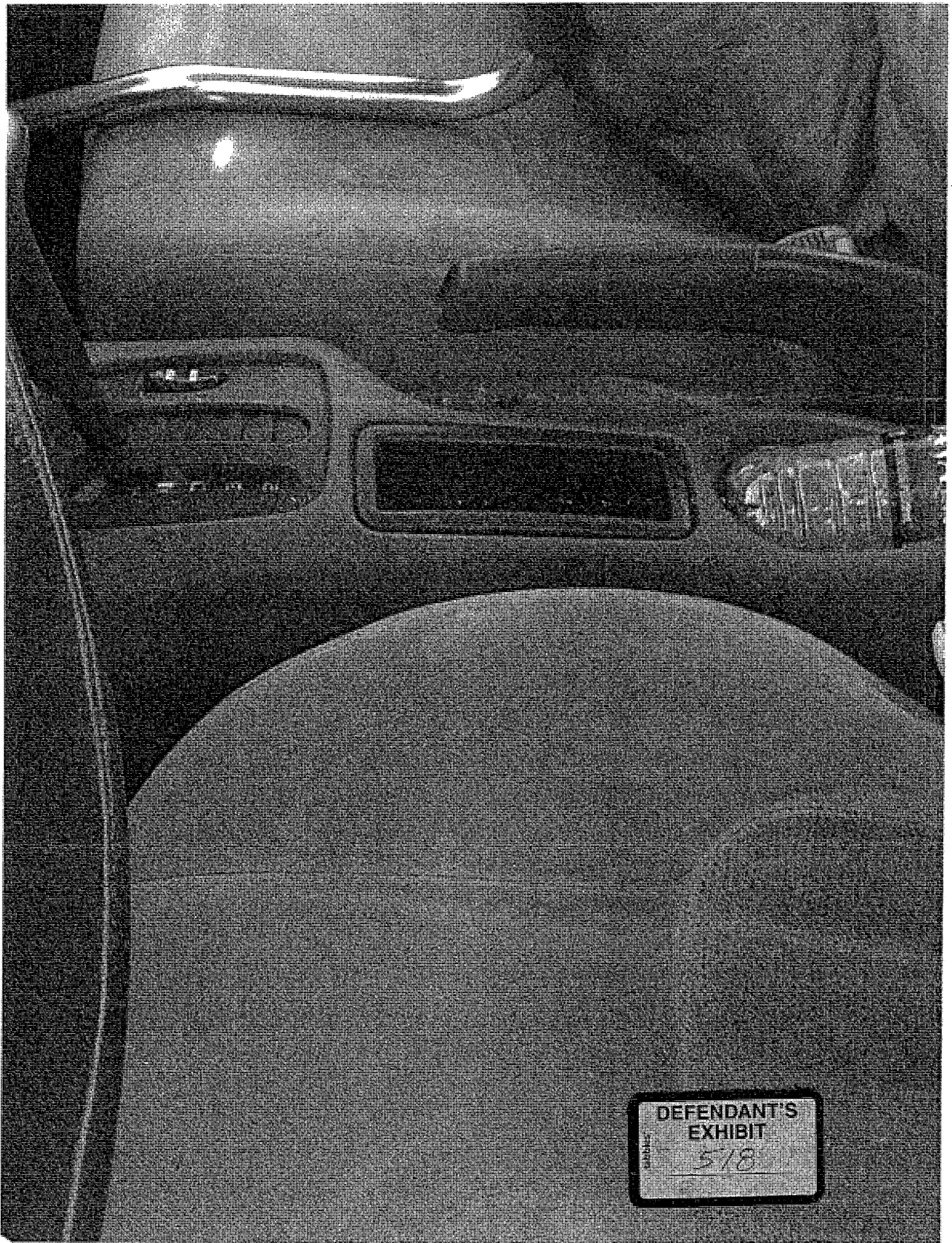
Police had fought to keep the evidence secret, but U.S. Magistrate Judge Nancy Koppe said that a statement to police by Kitchen should be turned over because it is relevant to his credibility as a witness in the gun case.

Lawyers for the federal defendant, Richard Ward, are pushing to get evidence seized through a search warrant prepared by Kitchen quashed over due process violations. Authorities said the incident with the prostitute occurred just hours after Kitchen testified against Ward in federal court.

Contact reporter David Ferrara at dferrara@reviewjournal.com or 702-380-1039. Find him on Twitter: @randompoker

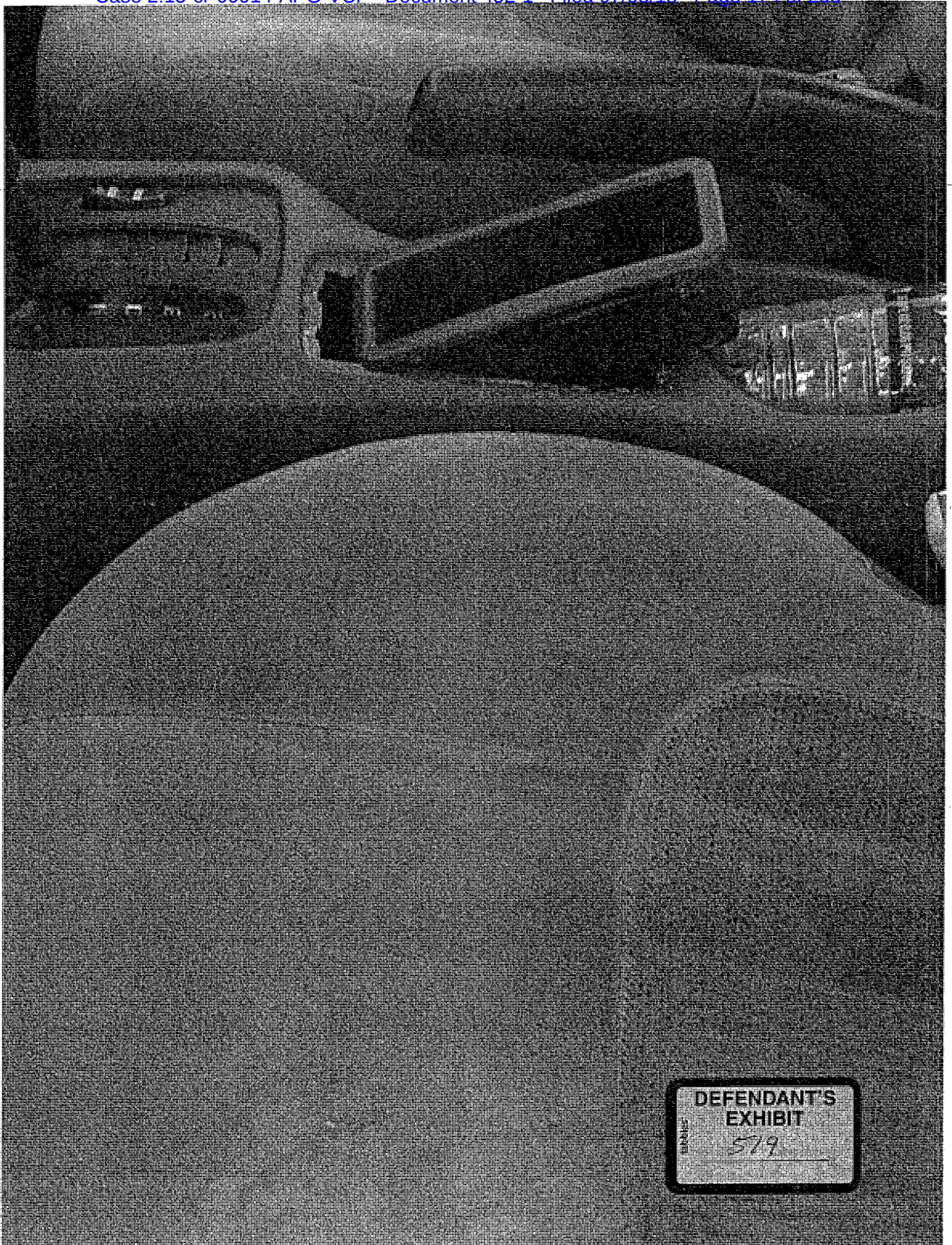
Copyright © GateHouse Media Inc. 2015. All rights reserved. • Privacy Policy





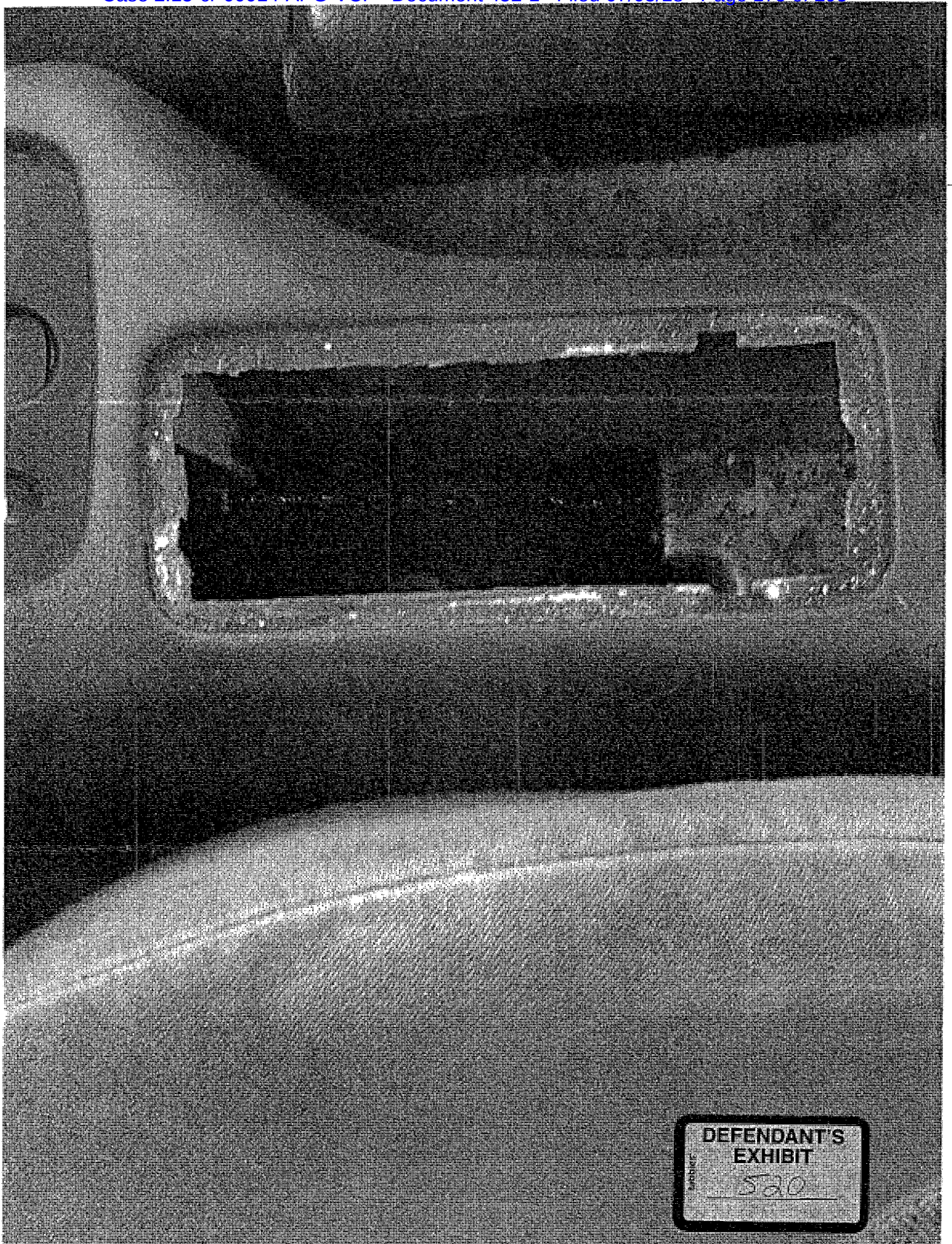
DEFENDANT'S
EXHIBIT

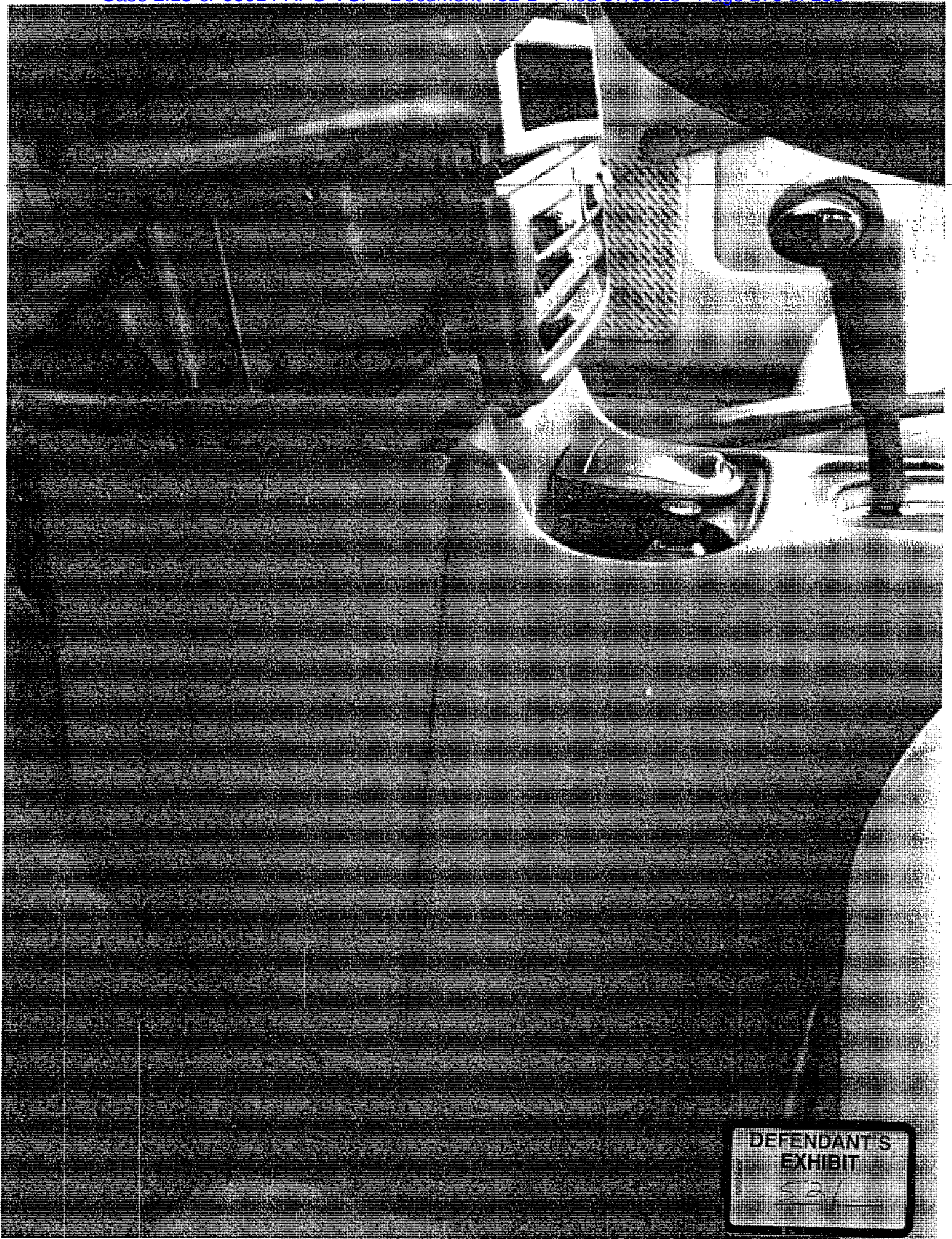
518



DEFENDANT'S
EXHIBIT

519





15F01079X/02

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat H4

ID/EVENT# 1562835	ARRESTEE'S NAME (Last) (First) (Middle) KITCHEN MICHAEL JOHN			S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) [REDACTED]				
CHARGES BURGLARY-SEXUALLY MOTIVATED, ROBBERY, & BATTERY TO COMMIT SEX ASSAULT				
OCURRED	DATE 01/22/2015	DAY OF WEEK THURSDAY	TIME 1710	LOCATION OF ARREST (Number, Street, City, State, Zip Code) [REDACTED]
RACE [REDACTED]	SEX [REDACTED]	D.O.B. [REDACTED]	HT. [REDACTED]	WT. [REDACTED]
HAIR [REDACTED]	EYES [REDACTED]	PLACE OF BIRTH MOOREHEAD, MN		
ARRESTING OFFICER #1: S. TAYLOR		P#: 8718	ARRESTING OFFICER #2: [REDACTED]	
CONNECTING REPORTS (Type or Event Number) 150122-3046				

APPROVED BY (PRINTED NAME): C. HOOTEN P#5262

CIRCUMSTANCES OF ARREST:

SUBJECTS INVOLVED:

VICTIM: [REDACTED] DOB [REDACTED]

SUSPECT: MICHAEL KITCHED DOB [REDACTED]

WITNESS: JEFF PARINSHON DOB [REDACTED]

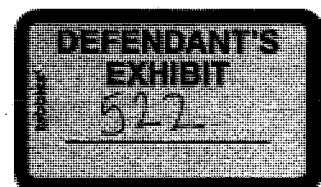
INITIAL RESPONSE:

On January 22, 2014, at approximately 1729 hours, Officers Miller P#9142 and Nameth P#14885 were dispatched to a residence located at [REDACTED] reference a battery complaint. They arrived at approximately 1747 hours to complete a preliminary investigation.

Miller documented he immediately noticed a large welt on the forehead of a female identified as [REDACTED]. Miller said he also observed scratches on her right breast. [REDACTED] told officers that she is a prostitute and her escort agency set up a meeting with a male in her apartment, which is number [REDACTED]. Miller documented [REDACTED] claim that when she told the male certain "rules" he became angry and ultimately violent, punching [REDACTED] head and shoving her onto the floor. [REDACTED] also claimed the male got on top of her and unzipped her pants. She claims the male removed the money from her bra and left the room.

[REDACTED] was transported to Desert Spring Hospital by Medic West #794, where she was diagnosed with a minor concussion and a fractured wrist.

Officer Miller later checked the number in Coplink to find that it may belong to a law enforcement officer. He informed his chain of command and Internal Affairs detectives responded, ultimately calling the sex assault detail.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 150122-3046

I Det. S. Taylor P#8718 responded along with the rest of the sex crimes detail. Detective Pretti P#9639 and I accompanied the victim, [REDACTED] to the University Medical Center (UMC) for a SANE examination.

INTERVIEW WITH STEFF PARINSHON

Detective Hendricks P#6091, conducted a recorded interview with Parinshon. Sgt. Hooten assisted him. Parinshon explained he ran from his room to assist a female who was screaming and yelling that a male running from the building assaulted her. Parinshon said that upon seeing [REDACTED] he immediately noticed the large contusion on her forehead.

Parinshon said he ran after the male only to see him driving away in a vehicle, he described as a late model Chevrolet. Parinshon said the vehicle traveled west from [REDACTED] He returned to speak with [REDACTED] who told him she met the male through some form of social media.

Parinshon described the male as Caucasian 6'0" – 6'1" with a dark tank top, a blue cap with white insignia or letters, a full yet groomed beard, and dark shoes with a large build. The male was further described as 200 – 230 pounds with a large build. Parinshon said [REDACTED] said she only knew the male by the name of [REDACTED]

INTERVIEW WITH [REDACTED]

[REDACTED] agreed to speak with us once we arrived to UMC. She is admittedly a working prostitute employed by an Escort service. She explained the escort service set up some ads on Craigslist with photographs of herself and other females. [REDACTED] said the service told her that a male would be coming to visit and she was notified when he was outside the building waiting for her. [REDACTED] went outside and escorted the male into room number [REDACTED]

[REDACTED] said that once inside the room she explained some rules to the male, starting with the disposal of condoms. She claims the male agreed to her rule regarding condom disposal. [REDACTED] reportedly asked the male for the predetermined amount of \$100.00 allegedly determined by the escort service and agreed upon by clients. [REDACTED] explained that the money she was just given is solely for 30 minutes of her time and company, and sexual intercourse would be an extra charge of \$150.00. She said the male became angry and demanded his money back. After some time arguing over the fee, [REDACTED] claims the male began to shove her across the apartment and she ultimately fell onto the bathroom floor where her head struck a door frame. At this point, [REDACTED] alleges the male unzipped her jeans and she began to kick him repeatedly. She claimed to make a solid connection when kicking the male but was unable to explain where she may have kicked him. [REDACTED] claims the male punched her head twice and she attempted to turn away from the blows and put her arms over her face. She said the male then pinned her down with his forearm and removed the \$100.00 he had given her from the right side of her bra. The male left the apartment and ultimately fled from the building and subsequently the area.

[REDACTED] told me multiple people were in the hallway to bear witness as he left the building. She described the suspect as a muscular male wearing athletic gear, to include "basketball shorts." [REDACTED] said the suspect's shoes may have some white or be mostly white and his shorts were gray or black. [REDACTED] said the male had a wallet similar to the one worn by motorcycle riders with a chain, however he did not have the chain attached.

[REDACTED] appeared hesitant to answer questions that would implicate her escort service or a pimp known as "Skip," ultimately claiming fear of retaliation.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORTID/EVENT #: 150122-3046

█████ gave LVMPD officers a number of █████ as the number belonging to the alleged suspect.

FOLLOW UP BY PATROL OFFICERS

The victim gave LVMPD Initial responders the phone number of the male, against whom she alleges the above listed crimes. Officer Miller checked the phone in the Coplink system finding it may belong to a police officer. He informed his chain of command.

Michael Kitchen was ultimately identified as the possible owner of the phone used to contact the victim's escort service. Kitchen, an LVMPD Detective, was identified as the subject on surveillance footage by his direct supervisor, Sergeant B. Wolfenbarger P#5980.

Security Staff member Dan Tallant born █████ assisted LVMPD personnel by downloading the surveillance footage.

INTERVIEW WITH MICHAEL KITCHEN

Detectives conducted a knock and talk at the residence of Detective Kitchen, located at █████. Kitchen answered the door and agreed to accompany Detectives back to LVMPD Headquarters for an interview.

Detective Kitchen demanded to know facts about the incident before deciding if he would speak with me. After advising him of his constitutional rights per Miranda versus Arizona, Kitchen asked me to tell him what was being alleged against him. I told him that he has been accused of being involved in a physical altercation and that altercation included a battery. I gave him the address of █████ and he told me he was in fact at the apartment building to get a massage.

Kitchen said he utilized a website called backpage, which he claimed to use "every few months or so" to get a massage. Kitchen told me that he likes to use sites like backpage to meet with females in the manner he had utilized the day prior. I asked him if he ever used other massage venue like the large corporate chain called Massage Envy or some other legitimate massage and spa. Kitchen said, "yeah I been to Massage Envy, ya know, and the reason I stopped going to places like that is because it is too expensive." Since he arrived to pay █████ \$100.00 for a 30 minute massage, I asked Kitchen to tell me how much a 30 minute massage would cost at Massage Envy. Initially stating that he did not know, Kitchen estimated that it would cost over \$100.00 for a 1-hour massage. I confronted him on this fact knowing that is not the case. He later changed his reason for using backpage and social media versus a well-known masseuse. A check on the company's web site later confirmed that it would actually cost \$49.99 for a 1-hour massage.

When asked, Kitchen said he did not think this manner of receiving a massage is abnormal because he had done it a couple times in the past with no problems. Since he said soreness was a reason for the massage, I asked him if he would tell me what type of massage helps with soreness. Kitchen reminded me that neither of us have an extensive knowledge of massages.

I told Kitchen that, considering his current assignment and its specialization, I felt he was very knowledgeable of his environment and possibly █████ occupation. I also told him I believe he knows certain social media sites are used for criminal activity. Kitchen said he is aware of criminal activity on sites like backpage.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 150122-3046

When asked, Kitchen said he changed the license plates on his truck because he just changes them a lot and he did not want to have any kind of confrontation from anyone or any company that may employ [REDACTED]. He also said he deleted all of the text messages from his phone. When asked why by Detective Pretti, Kitchen said that he usually deletes texts and contacts when he is not using them anymore. Kitchen denied having any malicious intent when making the reservation to meet with [REDACTED]. He also denied committing the above actions were to conceal some form of misconduct. He concluded by stating he would have just walked away from [REDACTED] before battering her over \$100.00.

I asked Kitchen if the web ad he used advertised massages. He displayed uncertainty, explaining there were multiple sections one could choose on the site and he believes he chose the section for massages.

The initial license plate on the vehicle when leaving the parking lot at [REDACTED] was [REDACTED]. The plate was changed to [REDACTED]. Kitchen said that the license plates he used were issued to him by LVMPD Fleet Services. This was later confirmed by Sgt. Hooten P#5262.

It was ultimately found that when working in an undercover capacity, Kitchen uses the name of [REDACTED] as shown on a false driver's license issued courtesy of the Nevada DMV for the purposes of covert operations.

INFORMATION FROM SANE NURSE DERMANALIAN

I spoke with Nurse Dermanalian regarding [REDACTED] injuries. She said [REDACTED] bra was torn, she had an injury to the back of her right shoulder, left ariola, right breast, left shoulder, wrist and forehead.

Nurse Dermanalian relayed that during her exam, [REDACTED] disclosed that following her examination at Desert Springs Hospital, but prior to being contacted once more by Officer Miller and Officer Nameth, she met with and had sex with her boyfriend for comfort.

CONCLUSION

Detective Hendricks applied for and obtained a search warrant for Kitchen's residence, his LVMPD vehicle, a late model white Chevy pickup truck, and evidence from Kitchen's person. Such evidence includes hand swabs, buccal swabs, photos, and fingernail scrapings.

During a search incident to lawful arrest, \$100.00 dollars in a denomination of 5 \$20 bills were found on Kitchen's person. In addition, he had in his possession, a button down billfold with a metal ring for a chain link.

In conclusion and considering that:

- [REDACTED] made allegations that a male she met with as an escort, shoved her to the ground and unzipped her pants,
- [REDACTED] also alleged her head hit a door frame when falling and she was punched twice by the male,
- [REDACTED] alleges that the male then braced her against the floor while forcefully removing \$100.00 from the right cup of her bra he had just given allegedly her for sexual favors,
- [REDACTED] has injuries to her face and breast that are consistent with her allegations,
- Multiple neighbors including Parinshon saw the male leaving after rushing to the sounds of [REDACTED] screams,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORTID/EVENT #: 150122-3046

- Parinshon gave Detective Hendricks a description of the suspect, the vehicle he was driving, and the license plate,
- Parinshon said the victim told him she only knew the suspect by the name of [REDACTED]
- Officers responded to a report of a battery made by Parinshon,
- [REDACTED] gave Officers a phone number of [REDACTED] as the number used by the male prior to meeting at her apartment,
- A Coplink search revealed the number may belong to an LVMPD employee named Michael Kitchen,
- In the past Kitchen has used an undercover name of [REDACTED]
- Kitchen's direct supervisor confirmed his identity on video surveillance,
- Kitchen's assigned vehicle fits the description given by Parinshon,
- Kitchen fits the description given by Parinshon,
- Kitchen placed himself at the scene of the alleged incident,
- Kitchen confirmed he was using his assigned vehicle,
- Kitchen confirmed his work number is [REDACTED]
- Kitchen claimed to meet with [REDACTED] to get a massage because he knows it is cheaper than a popular chain the in the Las Vegas Valley,
- Kitchen did not actually know the prices of the massages at the chain when confronted and changed his claims to just wanting a massage from an attractive female,
- Medical staff at Desert Springs Hospital and SANE Nurse Dermanalian documented [REDACTED] injuries,
- And The injuries are consistent with her claims,
- Which are that Kitchen pushed her to the ground just before unzipping her pants, punched her face and braced his forearm against her to facilitate the removal of \$100.00 from the right cup of her bra.

I feel there is probable cause to arrest Kitchen for Attempt Sex Assault, Robbery, and Battery with intent to commit sex assault. He was taken into custody without incident and transported to the Clark County Detention Center.

HQ

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

TEMPORARY EVIDENCE/PROPERTY CONTROL LOG

JAN 08 2015

Location:

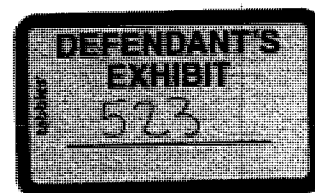
HQ

USE SEPARATE LINE FOR EACH PACKAGE ! USE SEPARATE LINE FOR EACH PACKAGE

EVENT #	PKG #	DESCRIPTION	DATE	TIME	Officer's PP & Initials	Supervisor PP & Initials	Evid. Cont. PP & Initials	DATE REMOVED	* NOSE	** DE
131112-3386	1	CD	1-6-15	1735	K5246L		8A30 137100	1/8/15		
140112-3427	1	CD	1-6-15	1735	K5246L		8A30 137100			
140707-0191	1	CD	1-6-15	1735	K5246L		8A30 137100			
140728-0045	1	CD	1-6-15	1735	K5246L		8A30 137100			
150103-0060	1	DNA	1-6-15	1900	M1474K		8A30 137100			
150106-2982	1	DNA	1-6-15	1905	F7946B		8A30 137100			
150106-2982	2	GUN S&W	1-6-15	1905	F7946B		8A30 137100		G	
150106-2982	3	MARIJUANA, METH	1-6-15	1905	F7946B		8A30 137100		N	
110104-7778	1	4- CD'S	1-6-15	1936	K5246L		8A30 137100			
100414-3488	1	6- CASE FILES	1-6-15	2003	K5246L		8A30 137100			
100414-3488	2	3 CASE FILES	1-6-15	2003	K5246L		8A30 137100			
1501053562	1	AVD18	1-6-15	2014	T6360K		8A30 137100			
1501053562	1	BUCALS (3)	1-6-15	2014	T6360K		8A30 137100	3/3/2015		
141228-0365	1	BULLAL KIT	1-6-15	2020	56878M		8A30 137100	V		
150105-3562	2	VIDEO	1-6-15	2014	T6360K		8A30 137100	1/8/15		

* Notation of Secured Evidence
 ** Data Entry

LVMPD 126 (Rev. 5/96) - INFOPATH 2007



[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Criminal](#)
[Search](#) [Refine Search](#) [Close](#)

Location : District Court Criminal [Images](#) [Help](#)

REGISTER OF ACTIONS

CASE NO. C-15-307496-1

State of Nevada vs Omar Qazi

Case Type: Felony/Gross
Misdemeanor
Date Filed: 06/23/2015
Location: Department 10
Reference Case Number: C307496
Case Scope ID #: 1993576
Filing Number: 1500000927
TAG Case ID: 1658221
Case # Root: 15F00233
Case Number: 15F00233X
Event Number: 1501062982

PARTY INFORMATION

Defendant **Qazi, Omar Wasim**

DOB: 11/09/1987

Lead Attorneys
Jennifer M. Waldo
Retained
702-830-7925(W)

Plaintiff State of Nevada

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Qazi, Omar Wasim

1. POSSESSION OF FIREARM BY EX-FELON

Statute
202.360.1

**Level
Felony**

Date
01/06/2015

2. POSSESSION OF CONTROLLED SUBSTANCE WITH
INTENT TO SELL

453.337.2a

Felony

01/06/2015

3. POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL

453,337.2a

Felony

01/06/2015

EVENTS & ORDERS OF THE COURT

07/02/2015 | Initial Arraignment (10:00 AM) (Judicial Officer De La Garza, Melisa)

Minutes

07/02/2015 10:00 AM

- Deputized Law Clerk Steven Rose present on behalf of the State of Nevada. Mr. Rose advised the State is not going to pursue the case, and will dismiss without prejudice; COURT SO ORDERED. NIC (COC - FED)

Parties Present

[Return to Register of Actions](#)



BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**NATIONAL TRACING CENTER**

Phone:(800) 788-7133 Fax:(800) 578-7223

Print Date: August 24, 2017

FIREARMS TRACE SUMMARY

Trace Number: T20150020783

Request Date: January 21, 2015

Completion Date: February 02, 2015

JASON GRACE

LAS VEGAS FIELD OFFICE

8965 S EASTERN AVE STE 200

LAS VEGAS, NV 89123

Badge No:

Investigation No: 786020-15-0064

FIREARM INFORMATION

Manufacturer: SMITH & WESSON

Model: 34

Caliber: 22

Serial Number: M37231

Type: REVOLVER

Country: UNITED STATES

Importer:

Obliterated:

Identifying Marks: MODEL READS 34-1

NIBIN:

Gang Name:

RECOVERY INFORMATION

Recovery Date:

Time to Crime:

HARMONAT KOVAL

LAS VEGAS, NV 89169

Possessor: OMAR QAZI

DOB: 11/09/1987

POB: UNITED STATES

DEALER INFORMATION

FFL: 33904206

BILLS SPORTING GOODS INC

724 MAIN ST

LOMIRA, WI 53048-0000

Phone: (920) 269-4414 Ship-To-Date: 09/07/1971

Ext:

ADMINISTRATIVE INFORMATION

786020-15-0064

NON-ATF

JMGRACE

1728578

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A FEDERAL FIREARMS LICENSEE (FFL) WHO IS A WHOLESALE OR RETAIL DEALER AND HAS NO RECORD OF THE FIREARM. FOR ANY QUESTIONS PLEASE CONTACT THE ATF NATIONAL TRACING CENTER AT 1-800-788-7133.

Additional Remarks:

The information in this report must be validated prior to use in any criminal proceedings.

Trace: T20150020783

FOR OFFICIAL USE ONLY

Page 1 of 1

145



Firearm Trace Details

[REDACTED]

Trace Reference

Trace Number: T20150020783 Request Date: 01/21/2015
Status: Completed eTrace User:
Completion Date: 02/02/2015

Summary of Results

THIS FIREARM WAS TRACED TO A FEDERAL FIREARMS LICENSEE (FFL) WHO IS A WHOLESALE OR RETAIL DEALER AND HAS NO RECORD OF THE FIREARM. FOR ANY QUESTIONS PLEASE CONTACT THE ATF NATIONAL TRACING CENTER AT 1-800-788-7133.

[REDACTED]


Firearm Information

Manufacturer: SMITH & WESSON Type: REVOLVER
Caliber: 22
Model: 34
Serial Number: M37231 Country of Origin: UNITED STATES
Barrel: Ballistics No.:
Finish:
Importer:
Obliterated? No Removal Code:

[REDACTED]

Restored: Drill Size:
Identifying Marks: MODEL READS 34-1
Images Attached: 0

Requestor Information

ATF Office
786020
LAS VEGAS FIELD OFFICE
8965 S EASTERN AVE STE 200
LAS VEGAS, NV 89123
UNITED STATES


Agent Last Name: GRACE
Agent Suffix:
Agent First Name: JASON
Agent Badge No.:

ATF Case No.: 786020-15-0064

Recovery Information

Firearm Recovered

Recovery Date:

Address: HARMONAT KOVAL
LAS VEGAS, NV 89169

Location Type:

Time to Crime:
Vehicle Year:
Vehicle Make:
Vehicle Model:
Vehicle Tag Number:
Vehicle Tag State:
Vehicle Tag Country:

Dealer Information

Dealer: 1

Business Name: S&W / SMITH & WESSON / T/C ARMS /
GEMTECH / M&P

Licensee Name: SMITH & WESSON CORP

Address: 2100 ROOSEVELT AVE
SPRINGFIELD, MA 01104

FFL Number: 60401684

Contact Name:

Invoice Number:

Last Inspection: 09/29/2009

Phone: (413) 781-8300

Transaction Date:

Dealer: 2

Business Name:

Licensee Name: FABER BROTHERS INC

Address: 4141 S PULASKI RD
CHICAGO, IL 60632

Out of Business

FFL Number: 33600012 Last Inspection: 10/27/2006
Contact Name: Phone: (773) 376-9300
Invoice Number: 6433 Transaction Date: 08/19/1971

Dealer: 3

Business Name:
Licensee Name: BILLS SPORTING GOODS INC
Address: 724 MAIN ST
LOMIRA, WI 53048

FFL Number: 33904206 Last Inspection: 06/10/2016
Contact Name: Phone: (920) 269-4414
Invoice Number: Transaction Date: 09/07/1971

Possessor/Associate Information**Possessor**

Name: OMAR QAZI Criminal History? N/A
Last Known Address: 1800 E ROCHELLE AV APT 12
LAS VEGAS, NV 89118 Race: OTHER
Sex: M
Height: 6 ft 2 in
Weight: 210 lbs
DOB: 11/09/1987
POB: UNITED STATES
ID 1: DRIVER'S LICENSE #:
Country 1:
ID 2: OTHER #: NV 04215408
Country 2:
Alias Name: Alias
DOB:

Administrative Information

Priority: ROUTINE
NCIC Crime Code: 5212 POSSESSION OF WEAPON
Special Instructions:
Gang Name:
Admin Labels: Value: 786020-15-0064

NON-ATF
JMGRACE
1728578

[REDACTED]

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT

JOSEPH LOMBARDO, Sheriff

Partners with the Community

September 8, 2016

Mr. Omar Qazi
4880 E. Rochelle Ave., #12
Las Vegas, NV 89118

N.S.D.C.
Inmate Omar Qazi
2130 E. Mesquite Ave.
Pahrump, NV 89060

Reference: SOC2016-0074 (Duplicate letter sent 9-6-16)

Dear Mr. Qazi:

The complaint you filed with the Las Vegas Metropolitan Police Department has been fully investigated. We thank you for bringing this matter to our attention. Without citizen participation and scrutiny, it would be difficult to maintain the high standard of discipline we demand of our employees.

A complaint may make allegations that give rise to one or several possible policy violations. The Department has many policies relating to employee conduct as well as performance and procedural matters. Your complaint may allege misconduct, but other policy violations may be discovered by your allegations as well. Based on your complaint and a thorough investigation, a policy violation* was found to be sustained.

The Department "Managing Employee Performance and Conduct" handbook and guide will be applied to determine the appropriate corrective action for this employee. A copy of the guide is available, if you so desire.

If you are not satisfied with this finding, and the complaint was against a Police or Corrections Officer, you may file a complaint with the Citizen Review Board (CRB). The CRB serves as an independent civilian oversight agency for LVMPD Police and Corrections Officers, and will review the investigation that was conducted by Internal Affairs. The CRB is not affiliated with the LVMPD. The CRB is located at 330 South 3rd Street, Suite 670, Las Vegas, NV 89101. They can be reached at (702) 455-6322. Please note you only have one year from the date of the incident to file a complaint with them.

If you have any pertinent additional information, or if you wish to discuss this matter further with the LVMPD Internal Affairs, please call me at (702) 828-3422. Thank you for bringing this incident to the attention of the Department. Your interest in helping us ensure we provide the best service possible to our community is appreciated.

Very truly yours,
JOSEPH LOMBARDO, SHERIFF

By: 
SEAN McNULTY, LIEUTENANT
Internal Affairs Bureau

JL:SMH

*We are unable to disclose which policy violation was sustained as such matters are confidential by law.

400 S. Martin L. King Blvd. • Las Vegas, Nevada 89106-4372 • (702) 828-3111
www.lvmpd.com • www.prideinourcity.com



November 9, 2017

Embry Executrix
c/o DS Post Office Box 671
Crane, OR 97732

Dear Julie Embry:

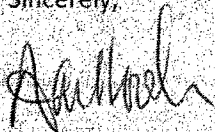
This letter is to acknowledge receipt of your request dated Oct 30, 2017. It is our understanding that you are requesting:

- Public portion of event #150103-0060

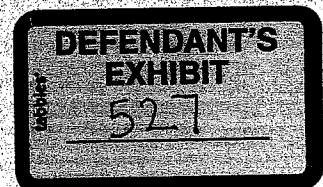
We have reviewed your request, however, there is no police report associated with the requested event number. If you would like to order the call for service, please visit lvmpd.com/Bureaus/Communications/Research Office Procedures for directions on how to do so. If you would like any other documentation, we would require an original signed and notarized authorization from the subject involved, authorizing you to receive the documentation, along with \$9 (cashier's check or money order) for each document requested.

If you have any questions regarding your request, please contact the LVMPD Document and Report Management Section at (702) 828-7395.

Sincerely,



Amber Nordin #13435
Document and Report Management, RFB
Las Vegas Metropolitan Police Dept.
Phone (702) 828-7395



'17 NOV 3 PM 1:38

October 30, 2017

Las Vegas Metropolitan Police Department
Attention Correspondence
400 South Martin Luther King Boulevard
Las Vegas Nevada 89106

Regarding Event #150103-0060

This is a public record request for the public portion of the police report or event, in 2015, #150103-0060. Per my phone call with Public Records Department I am making a written request for the public portion of the report. Enclosed please find a money order for \$9 per instructions. Enclosed please find a copy of photo identification of the requester.

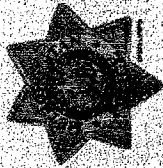
The information/report should be sent via enclosed pre-addressed stamped envelope to:

EMBRY EXECUTRIX
c/o DS Post Office Box 671
Crane Oregon 97732

Thank you for your assistance in this matter.

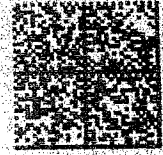
Respectfully

Embry, Julie
Embry, Julie (Exe)



LAS VEGAS METROPOLITAN
POLICE DEPARTMENT
JOSEPH LOMBARDO, Sheriff

400 S. Martin L. King Blvd.
Las Vegas, NV 89106-4372



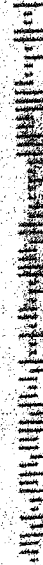
PRESORTED
FIRST CLASS

U.S. POSTAGE >> PITNEY BOWES
ZIP 89120 \$ 000.42
02 4W
0000345790 NOV 13 20

Embry Executrix
c/o DS PO Box 671
Crane, OR 97732



134 JPDFNPF \$7732



SCALES BIOLOGICAL LABORATORY, INC.

220 Woodgate Dr. S., Brandon, MS 39042 USA ♦ (601) 825-3211 ♦ scalesbio@aol.com -

October 5, 2017

Case No.: SBL 10-16

Client: Omar Qazi

Client Case No.: 2:15-cr-00014-APG-VCF

Date Case Accepted: 3/21/16

Case Documentation Received and Examined By: George Schiro

Dates of Analysis: 3/21/16 to 10/5/17

Type of Examination Requested: Review and evaluate collection and preservation of the evidence, chain of custody, and DNA analysis case documentation

Specimens Received: Las Vegas Metropolitan Police Department (LVMPD) Arrest Reports for Event #1993576/150106-2982 by Frank Bien; LVMPD Officer Report for Event #150106-2982 by Frank Bien; photographs of a revolver in the vehicle and in the lab; LVMPD HQ Temporary Evidence/Property Control Log dated January 8, 2015; LVMPD Forensic Laboratory Biology/DNA Forensic Casework Report of Examination issued by Kimberly D. Dannenberger on August 13, 2015 and associated case file; and LVMPD Criminalistics Bureau Chain of Custody for EV # 1501062982 dated January 12, 2017

Analytical Procedures: Reviewed and analyzed case documentation.

RESULTS:

A reference DNA sample was collected from Mr. Qazi on January 6, 2015 at 6:15 PM.¹ Detective Kitchen photographed the Smith & Wesson model 34-1 .22 LR revolver, S/N M37231 in Officer Frank Bien's presence. Officer Bien recovered the gun using fresh latex gloves. The temporary evidence control log indicates that the revolver and reference DNA sample were impounded on January 6, 2015 at 7:05 PM by Officer Bien at LVMPD headquarters. The LVMPD Criminalistics Bureau Chain of Custody states that Randall Morris took possession of the gun from Frank Bien on January 8, 2015.

The DNA analysis in this case appears to meet the FBI quality assurance standards for forensic DNA testing laboratories. All of the data supports the results and conclusions in the report and there does not appear to be any in-lab contamination events associated with the gun. The reagent blank (labeled RBQ-061315-KDD1) associated with the extraction of the DNA from the gun shows signs of a contaminant; however, this contaminant is below the analytical threshold. It is unknown if the lab investigated this contaminant. The presence of this contaminant does not impact the results obtained in this case.

¹ LVMPD arrest report for event #1993576 incorrectly lists the date as 1-6-14.



SCALES BIOLOGICAL LABORATORY, INC.

220 Woodgate Dr. S., Braudon, MS 39042 USA ♦ (601) 825-3211 ♦ scalesbio@aol.com

CONCLUSIONS

1. Based on the provided documentation, there appear to be inconsistencies and a gap in the revolver chain of custody.

Based on the documentation provided, the gun was seized by Officer Bien after 6:15 PM on January 6, 2015. It next appears on the headquarters temporary evidence control log at 7:05 PM on January 6, 2015. The log suggests that Mr. Morris took possession of it on January 6 at 7:05 PM. The LVMPD Criminalistics Bureau chain of custody states that it is the official account of all transactions that occurred with the gun while in custody of the LVMPD from January 8, 2015 until January 12, 2017. This chain of custody states that Mr. Morris took possession of the revolver on January 8. Based on this information, it is unknown what happened to the revolver, where it was stored or who had possession of the gun from the time it was collected until Randall Morris took possession of it. No information was found in the discovery materials indicating the location of the gun from January 6-8, 2015. The LVMPD policy and procedures manual as it related to the collection and storage of firearms evidence was requested in order to shed light on the whereabouts of the gun during this time period, but the LVMPD and U.S. Government would not release the requested information. Based on the provided documentation, it is unknown if the firearm was handled and stored according to LVMPD policies and procedures and general evidence collection and preservation guidelines.

2. The mixed DNA profile on the gun could be from a primary DNA transfer, a secondary DNA transfer, or a combination of both.

A person's DNA can be transferred to a surface by direct physical contact or when DNA containing cells leave the body, such as when a person sneezes, coughs, sweats, bleeds, etc. This is a primary or direct transfer of DNA from the person to a surface.

Indirect or secondary transfer of DNA can occur when the person's DNA containing cells end up on a surface via an intermediate surface without the person ever having come in contact with the second surface.² Numerous research papers have reported documented incidences of indirect DNA transfer and the results of studies on indirect DNA transfer.^{3, 4, 5, 6, 7, 8} Secondary transfer of

² Georgina Meakin and Allan Jamieson, "DNA transfer: Review and implications for casework," *Forensic Science International: Genetics* 7 (2013) 434-443.

³ Eleanor Alison May Graham and Guy Nathan Rutt, "Investigation into 'Normal' Background DNA on Adult Necks: Implications for DNA Profiling of Manual Strangulation Victims," *J. Forensic Sci.*, September 2008, Vol. 53, No. 5, 1074-1082.

⁴ Sarah Jones and Kristy Scott, "The transfer of DNA through non-intimate, social contact" from Body Fluids Conference Jointly hosted by the Forensic Science Society & the Centre for Forensic Investigation, University of Teesside, 18-19 April 2008, Convenors: Julie Allard and Brian Rankin, Conference Report, *Science and Justice* 50 (2010) 104.

⁵ Mariya Goray, R. John Mitchell, and Roland A.H. van Oorschot, "Investigation of secondary DNA transfer of skin cells under controlled test conditions," *Legal Medicine* 12 (2010) 117-120.

⁶ Mariya Goray, Roland A.H. van Oorschot, and John R. Mitchell, "DNA transfer within forensic exhibit packaging: Potential for DNA loss and relocation," *Forensic Science International: Genetics* 6 (2012) 158-166.

SCALES BIOLOGICAL LABORATORY, INC.

220 Woodgate Dr. S., Brandon, MS 39042 USA ♦ (601) 825-3211 ♦ scalesbio@aol.com

DNA can even occur in the controlled conditions of laboratories.⁹ Research has shown that secondary transfer of DNA should be considered in the evaluation of touch DNA results.¹⁰

The mechanism as to how the DNA got on the gun is unknown. Secondary transfer of DNA from Mr. Qazi to the gun cannot be ruled out. The quantity of DNA obtained and the quality of the profile are not reliable indicators of direct versus indirect DNA transfer.^{11, 12, 13} Complete or nearly complete profiles from secondary DNA transfers have also been documented.^{14, 15, 16, 17, 18} Although it appears that Officer Bien and lab personnel took steps to prevent secondary transfer of Mr. Qazi's DNA to the gun, the secondary transfer could have occurred prior to the seizure of the gun. For example, Mr. Qazi could have come into contact with another person's hand. The second person could have then handled the gun, inadvertently transferred DNA from Mr. Qazi to the gun, and put the gun in the car without Mr. Qazi ever coming into contact with the gun. In this case, it cannot be determined if the mixed DNA profile is the result of direct DNA transfer, indirect DNA transfer, or a combination of both.

These results and conclusions are subject to alteration if any new or previously undisclosed information is provided.



George Schiro, MS, F-ABC
Forensic Scientist

⁷ Mariya Goray, John R. Mitchell, and Roland A.H. van Oorschot, "Evaluation of multiple transfer of DNA using mock case scenarios," *Legal Medicine* 14 (2012) 40-46.

⁸ Alex Lowe et al., "The propensity of individuals to deposit DNA and secondary transfer of low level DNA from individuals to inert surfaces," *Forensic Science International* 129 (2002) 25-34.

⁹ A. Poy and R.A.H. van Oorschot, "Beware; gloves and equipment used during the examination of exhibits are potential vectors for transfer of DNA-containing material," *International Congress Series* 1288 (2006) 556-558.

¹⁰ Georgina Meakin and Allan Jamieson, "DNA transfer: Review and implications for casework," *Forensic Science International: Genetics* 7 (2013) 434-443.

¹¹ *Ibid.*

¹² Mariya Goray, John R. Mitchell, and Roland A.H. van Oorschot, "Evaluation of multiple transfer of DNA using mock case scenarios," *Legal Medicine* 14 (2012) 40-46.

¹³ R.K. Farnen et al., "Assessment of individual shedder status and implication for secondary DNA transfer," *Forensic Science International: Genetics Supplement Series* 1 (2008) 415-417.

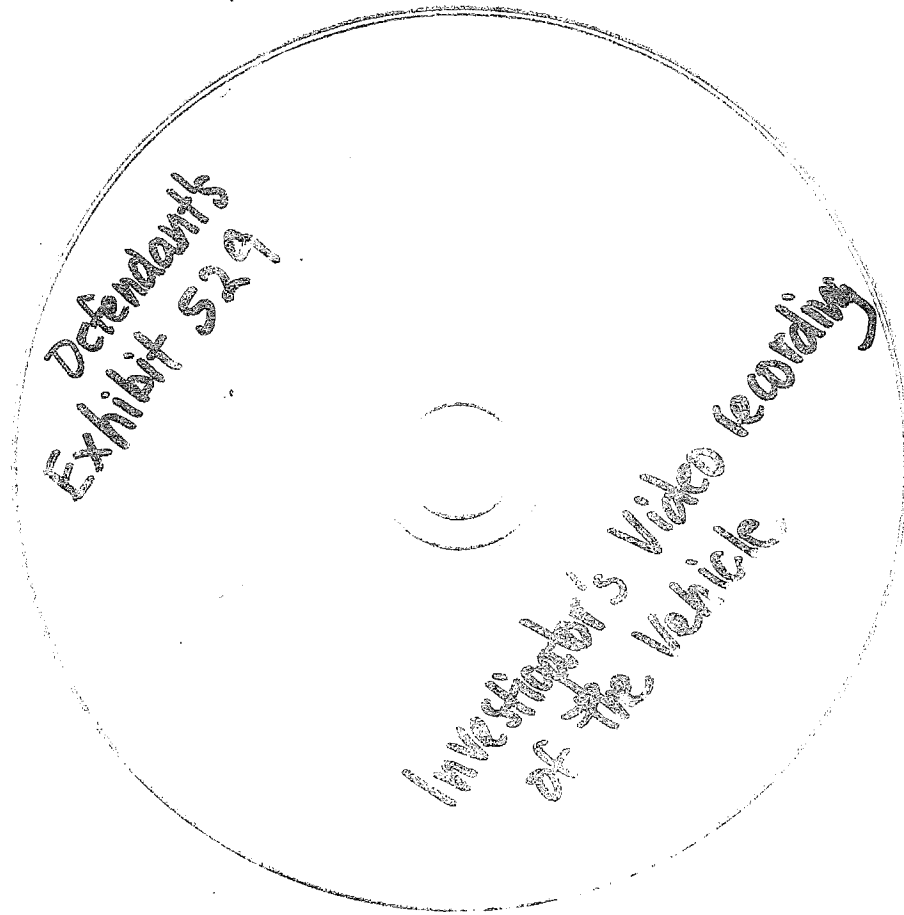
¹⁴ Alex Lowe et al., "The propensity of individuals to deposit DNA and secondary transfer of low level DNA from individuals to inert surfaces," *Forensic Science International* 129 (2002) 25-34.

¹⁵ Susan F. Petricevic, Jo-Anne Bright, and Sarah Cockerton, "DNA profiling of trace DNA recovered from bedding," *Forensic Science International* 159 (2006) 21-26.

¹⁶ A. Poy and R.A.H. van Oorschot, "Beware; gloves and equipment used during the examination of exhibits are potential vectors for transfer of DNA-containing material," *International Congress Series* 1288 (2006) 556-558.

¹⁷ Dyan J. Daly, Charlotte Murphy, and Sean D. McDermott, "The transfer of touch DNA from hands to glass, fabric and wood," *Forensic Science International: Genetics* 6 (2012) 41-46.

¹⁸ Mariya Goray, John R. Mitchell, and Roland A.H. van Oorschot, "Evaluation of multiple transfer of DNA using mock case scenarios," *Legal Medicine* 14 (2012) 40-46.



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
) Case No. 2:15-cr-014-APG-VCF
Plaintiff,)
) Las Vegas, Nevada
vs.) Wednesday, August 3, 2016
) Courtroom 3A
OMAR QAZI,)
) MOTION TO SUPPRESS
Defendant.)
C E R T I F I E D C O P Y

TRANSCRIPT OF PROCEEDINGS

BEFORE: THE HONORABLE CAM FERENBACH,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: See Next Page

DIGITALLY RECORDED: Liberty Court Recorder (LCR)
10:17:00 a.m.

RECORDED BY: Jerry Ries

TRANSCRIBED BY: Heather K. Newman
(702) 471-0002

Proceedings recorded by electronic sound recording, transcript
produced by mechanical stenography and computer.

HEATHER K. NEWMAN - (702) 471-0002

DEFENDANT'S
EXHIBIT

530

1 APPEARANCES:

2 For the Plaintiff:

3 UNITED STATES ATTORNEY'S OFFICE
4 BY: ALEXANDRA M. MICHAEL
5 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, NV 89101
(702) 388-6336

6 For the Defendant:

7 GREGORY & WALDO LLC
8 BY: JENNIFER A. WALDO
1701 West Charleston Boulevard, Suite 600
Las Vegas, NV 89102
9 (702) 830-7925

10 Also present:

11 Craig Retke
12 Nevada Investigative Group
13
14
15
16
17
18
19
20
21
22
23
24
25

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 3 of 98
TRANSCRIBED FROM DIGITAL RECORDING

3

I N D E XWITNESSES:DIRECTCROSSREDIRECTRECROSS

Ryan Rotta

15

35

47

51

Joshua Glover

54

63

69

--

E X H I B I T SEXHIBIT NO:RECEIVED
IN
EVIDENCE

1

56

2

51

3

51

4

29

1 LAS VEGAS, NEVADA; WEDNESDAY, AUGUST 3, 2016; 10:17:00 A.M.

2 --oOo--

3 P R O C E E D I N G S

4
5 COURTROOM ADMINISTRATOR: Please rise.

6 THE COURT: Thank you. Be seated.

7 COURTROOM ADMINISTRATOR: United States of America
8 vs. Omar Qazi, 2:15-cr-14-APG-VCF. This is before the Court on
9 a Motion to Suppress.

10 Counsel, appearances, please.

11 MS. MICHAEL: Good morning, Your Honor.

12 Alexandra Michael for the United States.

13 THE COURT: Ms. Michael.

14 MS. WALDO: Good morning, Your Honor. Jennifer Waldo
15 on behalf of the defendant, Mr. Qazi, who is also present.

16 Also with me today is my investigator Craig Retke
17 from Nevada Investigative Group.

18 THE COURT: Craig Retke.

19 Okay. Thank you, Ms. Waldo. Mr. Retke.

20 Okay. So, I'd like to just take a minute here and
21 make sure we're all in agreement on what we're doing today.
22 The -- I -- I don't believe there's going to be any real fact
23 issue, issue of fact regarding the content of the warning that
24 was given; is that right? Everyone agrees what the warning was
25 given?

1 MS. WALDO: That is correct, Your Honor.

2 MS. MICHAEL: Yes, Your Honor. I do believe the
3 parties were anticipating presenting the body camera footage
4 for the Court, just to verify -- so we have the facts on the
5 record --

6 THE COURT: Okay. That's fine.

7 MS. MICHAEL: -- in terms of what the evidence is.

8 THE COURT: But I just need to focus on what facts I
9 need to decide.

10 MS. MICHAEL: Understood.

11 THE COURT: So, okay. Good.

12 So then really I guess we're having the evidentiary
13 for the timing issue? Is there really a dispute about the
14 timing of when the warning was given and then when the
15 questioning was?

16 MS. MICHAEL: Your Honor, the Government doesn't
17 believe so.

18 MS. WALDO: I -- I don't believe there's necessarily
19 a timing issue.

20 THE COURT: Okay. So what is the question of fact
21 that I -- the material question of fact that I'm going to be
22 trying to focus on as I get the evidence here?

23 MS. WALDO: I guess the way I'd present it is I
24 don't -- I believe that we are in agreement that the warnings
25 were given. I believe what our question is, is the sufficiency

1 of the warning, the actual language of the warning --

2 THE COURT: The content. Right. Right. I
3 understand.

4 MS. WALDO: -- that was used. The content.

5 THE COURT: Okay.

6 MS. WALDO: And then additionally, there was some
7 facts that we were going to bring out related to when
8 Detective Kitchen arrived, where Mr. Qazi was taken, how he was
9 dressed. I think there's some factual issues related to that
10 as well that would obviously go to Mr. Qazi's state of mind
11 regarding what was taking place and whether or not he, at that
12 time, could have knowingly and intelligently waived his rights
13 and agreed to speak to Detective Kitchen.

14 THE COURT: Okay. Okay. So it sounds to me like
15 what I want to be focusing on as the testimony comes in is sort
16 of the totality of the circumstances of the timing, you know,
17 when the warning was given and what happened and what was going
18 on as the warning was given, those of sorts of things and
19 you're going to probably argue some of that. Is that -- is
20 that the point?

21 MS. WALDO: That's correct, Your Honor.

22 THE COURT: All right. Okay.

23 Do you agree with that, Ms. Michael?

24 MS. MICHAEL: Yes, Your Honor. That's my
25 understanding that that's what defense was anticipating or

1 requesting the hearing for. However, originally it was the
2 Government's position that a hearing wasn't needed because
3 mainly these are questions of law.

4 THE COURT: Right.

5 MS. MICHAEL: But, understanding that, Your Honor,
6 we're prepared to present information --

7 THE COURT: All right.

8 MS. MICHAEL: -- on those issues.

9 THE COURT: And I think that's the right thing to do
10 because, you know, if there's any question, a lot of times, you
11 know, somebody objects to my ruling, then the question is, "Why
12 didn't you hold a hearing?" and all this. So I'd rather, to be
13 safe, go ahead and hold the hearing now. Hopefully we'll have
14 a clean record.

15 So, all right. So, let me just say then it's the
16 defendant's Motion to Suppress. So that means the Government
17 has the burden of proving that the defendant received a timely
18 and adequate Miranda warning. That's really what I'm here to
19 decide today. Since they have the burden, and the way I
20 usually do it, is have the Government go first with their
21 evidence. Then your evidence, Ms. Waldo. Then the Government
22 gets a rebuttal if they need it. And the argument will go the
23 same way.

24 So --

25 MS. MICHAEL: Understood.

1 THE COURT: -- everyone in agreement there? Good.

2 MS. WALDO: Yes.

3 THE COURT: All right. So, call your first witness.

4 MS. WALDO: I guess, Your Honor, before we do that,
5 could I just make a quick record of an issue that we ran into?

6 THE COURT: Oh, sure.

7 MS. WALDO: Sure.

8 And we're still prepared to go forward, I just want
9 to make that clear. However, as part of our preparation for
10 this hearing we believe that Detective Kitchen was a necessary
11 witness for this case.

12 THE COURT: Hold on a minute.

13 Are there any witnesses in the courtroom right now?

14 MS. MICHAEL: Yes, Your Honor. There -- I can have
15 the officers step out.

16 MS. WALDO: Yeah.

17 THE COURT: That's -- I think we better do that.
18 Yeah. I assume somebody's going to invoke the Exclusionary
19 Rule, so . . .

20 MS. MICHAEL: I was going to, Your Honor.

21 MS. WALDO: Yeah.

22 MS. MICHAEL: I also just do have to let you know, I
23 do believe the defendant's mother is in the courtroom as well.
24 She actually testified, Your Honor, on a hearing that was held
25 in state court on this case, so when I requested Your Honor --

1 when I was going to request Your Honor to impose the
2 Exclusionary Rule, I was also going to request that she be
3 asked to step out because I do believe she potentially could be
4 a witness at trial for the defense.

5 MS. WALDO: And that would be my position as well,
6 Your Honor, so . . .

7 THE COURT: All right. I'm sorry, Ms. -- Ms. -- is
8 it Mrs. Qazi or?

9 MS. QAZI: Yes.

10 THE COURT: I'm sorry, the lawyers have asked that
11 you be excluded from this hearing because of your potential
12 witness. You know, it's not -- but she's not going to be a
13 witness today; right?

14 MS. WALDO: Not for me, Your Honor.

15 MS. MICHAEL: Not for the Government either,
16 Your Honor. However --

17 THE COURT: Okay. Well, then --

18 MS. MICHAEL: Well, we are dealing with evidence and
19 information that potentially could also come out at trial so
20 then she would know potentially what officers would testify to
21 here and potentially know how their testimony would go at trial
22 and therefore she could alter her testimony at trial based on
23 that information.

24 THE COURT: Well, are you going to want to seal this
25 transcript then? Or seal the record, the recording? Am I

1 going to have to order Mr. Qazi not to tell his mom what any
2 officers said here today? I mean, I don't quite see that. As
3 I see the purpose of the Exclusionary Rule is, you know,
4 whatever is being -- that I'm trying to decide today, I am
5 entitled to the witness', you know, testimony that's not
6 affected by what she heard right now, you know, at the time of
7 the proceeding. But I don't know that the Exclusionary Rule --
8 I mean, the Exclusionary Rule has to do with excluding
9 witnesses from a particular hearing, I believe. I mean . . .
10 help me out here. Because it seems -- I don't want to -- I
11 don't want to exclude her --

12 MS. MICHAEL: Understand.

13 THE COURT: -- when it's sort of a fruitless act
14 because this is an open hearing. The recording is going to be
15 available on the record. You know, it's a public hearing. And
16 if she's not actually testifying today, well, what -- why
17 should I exclude her? I don't understand.

18 MS. MICHAEL: I think it was just in an abundance of
19 caution, Your Honor.

20 THE COURT: All right. Well, I -- I don't think
21 that's right. I think --

22 MS. MICHAEL: Okay.

23 THE COURT: -- her son's here. It's an important
24 hearing. I -- I mean, she gets to stay.

25 MS. MICHAEL: Understood.

1 THE COURT: Anything else?

2 MS. WALDO: Just, Your Honor, briefly on --

3 THE COURT: Oh, yeah, you were --

4 MS. WALDO: -- Detective Kitchen.

5 THE COURT: -- yeah.

6 MS. WALDO: So, I -- I was under the . . . I guess
7 the misunderstanding that the Government was going to plan to
8 have him here. They do have another officer that they are
9 presenting and are saying that he was present during the time
10 that Detective Kitchen took the statement from Mr. Qazi. I
11 don't believe that's necessarily supported. He's in the CAD
12 log but he's not mentioned in the Arrest Reports. He's not
13 mentioned in the transcript of the -- of the statement. So,
14 we'll obviously wait -- we'll get into that with him during
15 cross-examination but my -- I guess my concern, I just want to
16 note for the record is we did attempt to serve
17 Detective Kitchen multiple times with a subpoena. It's our
18 belief that he was obviously dodging service. He was aware.
19 We had even -- my investigator had even spoken with a neighbor
20 who said, "Yes, he's there; he's at the house" and then a few
21 minutes later the same neighbor kid is down kind of scouting
22 out my investigator, just, you know, getting his information
23 from his car and so forth. Obviously some of that's just
24 speculation, but I just wanted to make it clear for the record
25 that we did want -- would have wanted him here for the -- for

1 the hearing but we were not able to successfully serve him with
2 a subpoena.

3 THE COURT: Ms. Michael.

4 MS. MICHAEL: Yes, Your Honor, if I may just briefly.

5 THE COURT: Sure.

6 MS. MICHAEL: I would let the Court know that once
7 the Government decided which witnesses it was going to call I
8 did let defense counsel know in a timely fashion so that she
9 could get any witnesses that she felt were necessary. I also
10 let her know if, for some reason, there wasn't sufficient time
11 to serve that individual or if he wasn't present, that I
12 understood if he was still necessary, I assumed perhaps the
13 Court would be willing to bifurcate the hearing for that
14 additional testimony. I don't have any objection. I
15 understand if she needs a witness, if she needs something, the
16 Government understands that. We just tried to give her as much
17 notice as possible to be able to present whatever evidence she
18 needs. And I still stand by that.

19 THE COURT: Right. Okay.

20 MS. WALDO: And I'm not -- she did.

21 THE COURT: Yes.

22 MS. WALDO: She immediately put me on notice when she
23 knew what witnesses she was going to call, which is why we
24 immediately went out and tried to serve him. I don't
25 necessarily -- I -- I would have liked him here to

1 cross-examine him on some of these issues. For some of the
2 issues that are before the Court I'm not sure it's going to be
3 necessary. I'll probably reserve to make that decision at the
4 end whether or not it will be. We may need to continue the
5 hearing so that I can actually have him here.

6 THE COURT: All right. Well, you know, I think
7 everyone's handled this very professionally and I think the way
8 to go is let's just get started. It may very well be that you
9 don't need him here. But if you think you do and Ms. Michael
10 doesn't object, you know, I'll certainly accommodate for a
11 hearing.

12 Let's see, the trial got continued but it's October
13 17th, I think; is that right?

14 MS. MICHAEL: I believe that's correct, Your Honor.

15 MS. WALDO: Yes.

16 MS. MICHAEL: Mid-October.

17 THE COURT: So . . . you know, we should have enough
18 time to get it in if we have to. All right.

19 MS. MICHAEL: Yes.

20 THE COURT: All right.

21 MS. WALDO: Thank you, Your Honor.

22 THE COURT: So, no one wants to make an opening
23 statement, I'm sure?

24 MS. MICHAEL: No, Your Honor. I just -- last --

25 THE COURT: I've read everything, so . . . okay. Why

1 don't you call --

2 MS. MICHAEL: Well -- yes, Your Honor. Sorry. The
3 only last thing was I was going to ask for the Court's
4 indulgence as I deal with the -- the technical computer aspects
5 of moving from the recording to the video. Just, I'm not great
6 with it. I'm just letting Your Honor know. I apologize in
7 advance.

8 THE COURT: Won't hold it against you.

9 MS. MICHAEL: Okay.

10 Your Honor, in that case the Government would call
11 its first witness. It's Officer Ryan Rotta.

12 THE COURT: Thank you.

13

14 RYAN ROTTA,
15 called as a witness on behalf of the Government, having been
16 first duly sworn, was examined and testified as follows:

17

18 THE COURT: Watch your step there.

19 MS. MICHAEL: And, Your Honor, I think we already
20 took care of it, but the Exclusionary Rule is in effect.

21 THE COURT: All right.

22 MS. MICHAEL: And, in fact, there's no other
23 witnesses we intend to call in the courtroom.

24 THE COURT: Thank you.

25 COURTROOM ADMINISTRATOR: Raise your right hand.

1 You do solemnly swear that the testimony you shall
2 give in the cause now before this Court shall be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: Yes, sir.

5 COURTROOM ADMINISTRATOR: Have a seat and say and
6 spell your name for the record.

7 THE WITNESS: Ryan Rotta, R-y-a-n-R-o-t-t-a.

8 MS. MICHAEL: Your Honor, may I proceed?

9 THE COURT: Yes, please.

10 MS. MICHAEL: And, Your Honor, may I remain seated at
11 counsel table?

12 THE COURT: Sure. Wherever you're most convenient.

13 MS. MICHAEL: Okay. Thank you, Your Honor.

14

15 DIRECT EXAMINATION OF RYAN ROTTA

16 BY MS. MICHAEL:

17 Q. Good morning, Officer.

18 A. Good morning.

19 Q. Can you tell us where you work.

20 A. Las Vegas Metropolitan Police Department.

21 Q. And how long have you worked there?

22 A. Four and a half years now.

23 Q. Where are you currently assigned?

24 A. Southeast Area Command.

25 Q. Now, I want to take you back to the date of January 6th of

1 2015.

2 Do you recall being on duty on that evening?

3 A. Yes, ma'am.

4 Q. Or, I'm sorry, in what capacity were you working on that
5 evening?

6 A. I was working with the Firearms Investigation Unit.

7 Q. Okay. And were you assigned to that unit at that time?

8 A. Yes.

9 Q. So, how did you become assigned to that unit at that time?

10 A. I was on administrative leave, routine paid leave from a
11 shooting that I was involved in in Patrol in July of 2014 and
12 during the course of that investigation by the department that
13 takes place, officers are assigned to other units outside of
14 Patrol while the department just does their internal
15 investigation.

16 Q. Okay. And is your -- as you understand it, is that sort
17 of routine policy for the circumstances?

18 A. Yes, ma'am.

19 Q. And what was the end result in relation to that
20 investigation?

21 A. That I was justified, cleared for my shooting.

22 Q. Okay. So, then who were you working with specifically on
23 this evening?

24 A. Detective Kitchen.

25 Q. And do you recall -- I'm sorry. You were actually on duty

1 when you were called out to a specific location for this case?

2 A. I believe so, yes.

3 Q. And do you recall what, if any, information you received
4 prior to going to the location?

5 A. We received information that there was a car stop at
6 Harmon and Koval and that a firearm had been discovered during
7 the course of that stop by Patrol and they requested the
8 Firearms Investigation Unit to respond.

9 Q. Okay. And how did you get there?

10 A. We drove in an unmarked vehicle.

11 Q. Was that you and Detective Kitchen?

12 A. I believe so.

13 Q. And what were you wearing at that time?

14 A. I can't say exactly. I was in plain clothes, not a
15 uniform.

16 Q. And --

17 A. Jeans and I want to say like a hoodie-type sweatshirt with
18 a hood.

19 Q. Okay. And is that -- is that normal?

20 A. That was normal for us, yes.

21 Q. And why is that?

22 A. The detectives in the Firearms Investigation Unit all wore
23 plain clothes. They did everything outside of uniform. Due to
24 a lot of investigations involving surveillance and their
25 unmarked vehicles, being in uniform would be counterproductive.

1 Q. And in terms of your experience, were they usually called
2 out to scenes where patrol officers sort of made the first
3 initial contact with individuals?

4 A. Yes.

5 Q. So you described what you were wearing. Do you recall
6 what Detective Kitchen was wearing on this evening?

7 A. From what I remember, he had a black, like, leather jacket
8 on. I believe he had jeans or dark pants, and then once we
9 arrive on scene, he puts on usually a hat or a beanie or
10 something and due to his status in the unit, being the primary
11 undercover detective, he has distinct facial hair -- or he did
12 at the time -- and he would cover that with, like, a
13 bandanna-type style garment just to conceal his identity while
14 he was out on scene with marked units and marked patrol
15 officers.

16 Q. And are you aware if that's the sort of normal policy for
17 officers that also work in undercover capacities?

18 A. As far as I know, yes.

19 Q. And you had worked with Detective Kitchen before this
20 evening?

21 A. Yes, ma'am.

22 Q. And was what he was wearing on this evening consistent
23 with how he was dressed in previous calls that you took with
24 him?

25 A. Yes.

1 Q. Okay. So, can you just tell us where you arrived?

2 A. We arrived at the intersection of Harmon and Koval just
3 west of -- we parked our unmarked vehicles roughly maybe 20
4 feet in front of the car stop that was conducted there.

5 There's a dirt, like, sidewalk shoulder or construction area up
6 on the sidewalk and that's where we parked our vehicles.

7 Q. And when you arrived, what, if anything, did you see and
8 who, if anyone, did you come into contact with?

9 A. We saw, I believe, two patrol cars; the vehicle of the
10 defendant that he was driving at the time. I saw the defendant
11 in the back seat of the patrol car, and we made contact with
12 the patrol detective -- or, I'm sorry, the patrol officers.

13 Q. Okay. Now, you just gestured and said "the defendant."
14 Do you recognize anyone in the courtroom here that you saw on
15 that evening?

16 A. I do, yes.

17 Q. And if you could just point to and describe by an article
18 of clothing or a look in the courtroom who that person is.

19 A. To my left across from me in a blue shirt.

20 MS. MICHAEL: Your Honor, for the record, the witness
21 has identified the defendant with a blue shirt and seated at
22 defense counsel table.

23 THE COURT: Yes. The defendant -- I mean, the
24 witness has identified defendant Omar Qazi.

25 ///

1 BY MS. MICHAEL:

2 Q. So, I'm sorry, you said that there were -- you believe
3 recalling that there were two patrol vehicles and two patrol
4 officers that you came into contact with when you and
5 Detective Kitchen arrived?

6 A. Yes, ma'am.

7 Q. Were there any other Firearms detectives that responded to
8 this call?

9 A. Yes.

10 Q. And who would that have been?

11 A. Al Bien -- Frank Bien and Sergeant Bud Wolfenbarger.

12 Q. Okay. And what were their roles in this investigation?

13 A. I believe Bien was the primary detective on this scene as
14 far as obtaining the search warrant and the sarge is just,
15 like, a supervisor. He . . . doesn't really do much hands-on;
16 he's just kind of a supervisor role.

17 Q. And then in terms of you and Detective Kitchen, what was
18 your role in terms of this investigation?

19 A. My role specifically is really just to shadow the
20 detective that I'm with at the time. Detective Kitchen was
21 assigned or elected to interview the defendant.

22 Q. And where was the defendant physically when you arrived on
23 scene and came into contact with him?

24 A. He was in the back of a patrol car.

25 Q. Was he cuffed at that point?

1 A. Yes, ma'am.

2 Q. And under arrest as far as you knew?

3 A. Yes, ma'am.

4 Q. Now, based on your role during this investigation as more
5 shadowing Detective Kitchen would you be surprised to learn
6 that your name or information wouldn't -- doesn't appear in the
7 Arrest Report or the police paperwork for this case?

8 A. No.

9 Q. But in terms of -- sorry. Are you familiar with unit logs
10 and CAD reports?

11 A. Yes.

12 Q. And it's your understanding that your information is
13 reflected in both of those documents for this investigation?

14 A. Yes.

15 Q. And, sorry. Just for verification, what's your P number?

16 A. 13422.

17 Q. Okay. And those documents obviously collect information
18 regarding all the officers that were on the scene?

19 A. Correct.

20 Q. Now when you arrived, did you know about how long the
21 defendant and the patrol officers had been in that location?

22 A. I did not.

23 Q. And where were the patrol officers in relation to the
24 defendant?

25 A. Just standing outside the marked patrol car.

1 Q. Okay. Do you recall if you had anything that you were
2 wearing that identified yourself as an officer?

3 A. I usually wore a -- when I was in the plain clothes, my
4 uniform of my plain clothes was just a hanging badge of, like,
5 metal key chain style necklace with full size badge actually
6 just in, like, a Velcro pouch, hanging --

7 Q. So you --

8 A. -- on my chest.

9 Q. You referred to the badge that you're physically wearing?

10 A. Correct. It's this exact badge. It fits into a little
11 Velcro attachment that hangs from a necklace.

12 Q. Okay. And do you recall if Detective Kitchen had anything
13 identifying him as a police officer or detective on him --

14 A. I --

15 Q. -- on his person?

16 A. I don't recall.

17 Q. So you indicated that you and Detective Kitchen were
18 assigned to speak with or interview the defendant. Is that
19 fair to say?

20 A. Yes.

21 Q. And so, what did you -- what did you do in terms of
22 setting up that -- that interview?

23 A. I went to the patrol car and removed the defendant from
24 the vehicle and we walked to the general location of where we
25 parked our plain cars, just ahead of the car stop that was

1 effected in the roadway.

2 Q. And when you say "we," you mean you and the defendant
3 walked to that location?

4 A. Correct.

5 Q. About how far was that from where he had previously been
6 seated inside of the patrol vehicle?

7 A. Maybe . . . 30 steps.

8 Q. So, still . . . in the line of sight? You could still see
9 the patrol vehicle?

10 A. Absolutely.

11 Q. And where was Detective Kitchen?

12 A. He was at that same location that I'm describing just
13 ahead of the car stop.

14 Q. So you walked --

15 A. Next to our unmarked cars.

16 Q. Okay. So fair to say that you walked the defendant to
17 where Detective Kitchen was?

18 A. Yes.

19 Q. At that time all the individuals on scene, only officers
20 and the defendant?

21 A. Yes.

22 Q. There was -- there were no -- there was no one else in
23 that area?

24 A. No. There might have been the random pedestrian that
25 walked down the sidewalk. We didn't have it, like, closed off

1 but, the only people that were stationary there essentially
2 were officers or detectives, yes.

3 Q. Okay. And then when you walked the defendant over to
4 where Detective Kitchen was, what happened at that point?

5 A. Detective Kitchen interviewed him.

6 Q. And can you just describe how this interview began as you
7 recall.

8 A. Detective Kitchen was already there prior to me walking
9 the defendant up. So, as soon as we walked up, he began his
10 interview and started talking to the defendant and I stood next
11 to Detective Kitchen.

12 Q. Did you stand next to Detective Kitchen and the defendant
13 for out the entire -- throughout the entire duration of the
14 interview?

15 A. Yes.

16 Q. And are you aware that that interview was audio recorded?

17 A. Yes.

18 Q. And so you guys were -- the three of you were physically
19 outside at the time, not inside of a patrol vehicle?

20 A. Correct.

21 Q. And were the patrol officers and Detective Bien still in
22 the general vicinity?

23 A. Bien was next to us but inside of a car, and the patrol
24 officers remained at the patrol car.

25 Q. Okay. Do you recall about how -- how long that interview

1 or statement was?

2 A. I'd say maybe 10 minutes.

3 Q. And can you just describe the demeanor, as you recall, of
4 Detective Kitchen when he was questioning the defendant.

5 A. Very casual. Calm. Nothing abnormal. Just -- it was a
6 conversation.

7 Q. Did you hear him threaten the defendant at any point?

8 A. Not at all.

9 Q. Or make any promises to the defendant?

10 A. No, ma'am.

11 Q. Did he display any force? Did he have a gun out at any
12 point?

13 A. No, ma'am.

14 Q. Or physically do anything towards the defendant?

15 A. No, ma'am.

16 Q. And the same question for you. Did you at any point --
17 did you even speak to the defendant during the interview?

18 A. No.

19 Q. And if you could also describe the demeanor of the
20 defendant while Detective Kitchen was questioning him.

21 A. Also relatively calm. Towards the end a little emotional.
22 Just crying a little bit but not -- not abnormal.

23 Q. And based on your observation of the entire interaction,
24 you say the defendant was emotional and/or crying, what was
25 your impression of -- of why he was doing that or can you just

1 describe what he was doing.

2 A. Um . . . he was -- I mean, I would describe it as, like,
3 kind of breaking down, like, emotionally. He was -- he was
4 having this conversation with Detective Kitchen and kind of
5 realizing where he was at and the situation that he was in and
6 I think it was an emotional time.

7 Q. At no point did you hear the defendant ask for an
8 attorney?

9 A. No.

10 Q. Or ask for Detective Kitchen to stop questioning him or
11 stopping talking to him?

12 A. No.

13 Q. At no point did the defendant try and run away or scream
14 out for help or anything?

15 A. No.

16 Q. And you're aware that at some point during that -- that
17 interview or that statement, that the defendant did admit to
18 possessing the firearm that was inside of the vehicle?

19 A. Yes.

20 Q. Do you recall about at what point in the interview that
21 occurred?

22 A. It was towards the very end.

23 Q. Okay. And do you remember if, prior to that, he had, for
24 the most part, denied knowledge of sort of any sort of criminal
25 activity?

1 A. Yes. That's correct.

2 Q. And did the demeanor of either Detective Kitchen or the
3 defendant change at any point during the duration of this
4 interview?

5 A. No.

6 Q. Were the interview techniques that you saw
7 Detective Kitchen utilize any different from any other
8 interview techniques you've seen detectives use before?

9 A. No.

10 Q. And the entire time -- where were you for the entire time
11 of this interview?

12 A. Standing next to Detective Kitchen.

13 Q. What happened at the end of the interview?

14 A. I walked the defendant back to the patrol car and placed
15 him back inside.

16 Q. So there was no break at any point during this interview?

17 A. No.

18 Q. In location or people talking to the defendant?

19 A. Not at all.

20 Q. Now, did you have an opportunity to listen to the audio
21 recording that you were present for where Detective Kitchen
22 interviewed the defendant?

23 A. Yes.

24 Q. And would you be able to recognize that?

25 A. Yes.

1 MS. MICHAEL: Your Honor, if I may, I do believe
2 counsel and I are in agreement that the audio of the interview
3 will be entered into evidence. I think, unfortunately, I have
4 it a little out of order in terms of numbering and was going to
5 number it Government's Number 6.

6 THE COURT: Okay. Hold on. I've got it -- these are
7 my copies here or are these the actual exhibits?

8 COURTROOM ADMINISTRATOR: Those are yours,
9 Your Honor.

10 THE COURT: Okay.

11 I only have 1 through 4. Do you have a transcript of
12 this --

13 MS. MICHAEL: The transcript is actually contained in
14 that, Your Honor. I was planning to give the Court either the
15 actual disk at the end of this or it was actually previously
16 submitted to the Court as an exhibit to one of my filings. So
17 really, whichever is easier for the Court. But the
18 transcript -- at this time, Your Honor, I would also -- it
19 would be appropriate to also move the transcript into evidence.
20 Again, I believe both counsels are in agreement that it would
21 be submitted to the Court, and that would be Government's
22 Exhibit No. 4.

23 THE COURT: Okay. 4 is the Voluntary Statement. But
24 it says Voluntary Statement but it's actually a transcription
25 of a -- of a recording?

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 29 of 98
TRANSCRIBED FROM DIGITAL RECORDING

29

1 MS. MICHAEL: Correct, Your Honor. I believe that's
2 just the template heading --

3 THE COURT: All right.

4 MS. MICHAEL: -- for the transcripts of the
5 statements that are taken.

6 THE COURT: Okay. Ms. Waldo, any objection to the
7 admittance of Exhibit 4?

8 MS. WALDO: No, Your Honor. Stipulated.

9 THE COURT: All right. Exhibit 4 will be admitted in
10 evidence.

11 (Government Exhibit 4 was
12 received into evidence.)

13 THE COURT: With regard to the actual CD, if -- if
14 that -- you're saying that was attached as an exhibit to -- in
15 response, I assume, to the Motion to Suppress.

16 MS. MICHAEL: Yes, Your Honor. It was manually filed
17 as well for the Court.

18 THE COURT: Manually filed.

19 So it's in the Court's -- it's in the clerk's
20 possession and can be retrieved if needed on record. So
21 let's -- I don't think we need to put another one in here
22 today.

23 MS. MICHAEL: Okay, Your Honor.

24 THE COURT: Unless, Ms. Waldo, you want one.

25 MS. WALDO: No, Your Honor. That's fine.

1 THE COURT: Okay. Then that's what we'll do.

2 MS. MICHAEL: Your Honor, I was going to play it for
3 the Court because I do believe it's helpful for the Court's
4 determination in terms of voluntariness and the circumstances.
5 So, with Your Honor's indulgence, I do believe it's about 19
6 minutes.

7 THE COURT: Okay.

8 Any objection, Ms. Waldo?

9 MS. WALDO: No, Your Honor.

10 THE COURT: Okay. I'm going to read along.

11 MS. MICHAEL: And obviously, understanding,
12 Your Honor, that this is strictly for purposes of the Motion to
13 Suppress Evidentiary Hearing. Obviously if and when we went to
14 trial, we wouldn't -- we wouldn't necessarily be utilizing all
15 of the portions of this -- of the statement.

16 (Recording duly played.)

17 MS. MICHAEL: I'm sorry. I'm just going to pause it
18 for a moment, Your Honor. I just wanted the officer -- are you
19 able to identify who that is speaking in that audio?

20 THE WITNESS: That's Detective Kitchen.

21 BY MS. MICHAEL:

22 Q. And is it fair to say that this audio -- you can hear some
23 sort of background noise --

24 A. Correct.

25 Q. -- consistent with you saying that the interview took

1 place outside --

2 A. Right.

3 Q. -- the vehicles?

4 A. Yes, ma'am.

5 Q. And he was obviously speaking with the defendant at the
6 time?

7 A. Yes.

8 MS. MICHAEL: And, Your Honor, I stopped this, for
9 the record, at 55 seconds. I'm going to continue playing it.

10 THE COURT: Thank you.

11 (Recording duly played.)

12 BY MS. MICHAEL:

13 Q. Now, Officer, I just want to go ahead and I'm going to put
14 in the body cam footage.

15 You had a chance to review that?

16 A. Yes, ma'am.

17 Q. And it's just specifically going to be in reference to the
18 location of where you spoke to defendant in relation to where
19 he was officially first stopped by patrol officers.

20 So, Your Honor, if I may . . . again, this is going
21 to be marked as Exhibit No. 5. Both parties do agree to it
22 coming into evidence.

23 THE COURT: Ms. Waldo, you've seen this? You don't
24 object?

25 MS. WALDO: Yes, Your Honor. That's correct.

1 THE COURT: All right. Exhibit 5 will be admitted.

2 (Government Exhibit 5 was
3 received into evidence.)

4 THE COURT: Now, this one was not attached to any
5 exhibit with the Court; right? So the clerk will take custody
6 of that.

7 MS. MICHAEL: It was, Your Honor.

8 THE COURT: Oh.

9 MS. MICHAEL: I believe, again, the . . . yes,
10 Your Honor. I believe it was previously attached as an exhibit
11 to that same response to the Motion to Suppress and it was done
12 in a manual filing.

13 THE COURT: All right. Well, then we won't take
14 another one here; we'll just rely on the one in the record.

15 MS. MICHAEL: So let me just take one moment to pull
16 it up.

17 (Brief pause in proceedings.)

18 MS. MICHAEL: I'm sorry. It's taking a minute to
19 load. It was stuck in one spot.

20 (Brief pause in proceedings.)

21 MS. MICHAEL: I'm just playing a portion from 6:30.

22 (Recording duly played.)

23 MS. MICHAEL: I'm just going to try and stop it
24 around 6:40.

25 ///

1 BY MS. MICHAEL:

2 Q. Officer, can you just briefly describe what you -- I'm
3 sorry. Can you even see this?

4 A. It's hard, but I -- yeah -- it's hard to see it but I
5 can -- I can still describe it, yes.

6 MS. MICHAEL: Your Honor, could the witness just step
7 down for a moment?

8 THE COURT: That's fine. Just turn the microphone so
9 it picks up his testimony.

10 BY MS. MICHAEL:

11 Q. So I have the body cam footage here stopped at 6:40 on the
12 second track. If you could just describe what -- what we're
13 looking at.

14 THE COURT: You can -- you can just stand there and
15 talk.

16 THE WITNESS: All right. Perfect.

17 THE COURT: That will be fine. Yeah.

18 THE WITNESS: The Saturn there is the defendant's
19 vehicle. Patrol car parked behind it. That's on Harmon, just
20 west of Koval, right shoulder.

21 BY MS. MICHAEL:

22 Q. And do you recall where you would have parked in relation
23 to these two vehicles?

24 A. If you can kind of see up in the distance, there's the
25 sidewalk here (indicating) and you can kind of see there's a

1 large dirt shoulder. And so we parked in that dirt shoulder
2 just on this side (indicating) of that large power pole.

3 (Recording duly played.)

4 BY MS. MICHAEL:

5 Q. And first off, Officer, this is prior to your arrival?
6 This footage?

7 A. Correct.

8 Q. Okay. So, I just -- this is a better -- better shot of
9 the area at 6:35.

10 So, the patrol vehicle that you just identified, was
11 that where the defendant was located when you arrived and then
12 took him from there to speak with Detective Kitchen?

13 A. Yes.

14 Q. Okay. And so about how -- how far down did you walk the
15 defendant from when he was interviewed with Detective Kitchen?

16 A. Um . . . basically probably halfway between the front of
17 the Saturn and the power poles because our cars were parked
18 coming towards the car stop and we were on this side
19 (indicating) of all of our cars and I believe we had three
20 there so . . . the width of three cars on this side
21 (indicating) of that power pole and we were just on this side
22 (indicating) of that, if that makes sense.

23 Q. Okay. And this is a fair and accurate representation of
24 the area as it was when you arrived?

25 A. Yes.

1 Q. I would assume maybe the only difference was that it might
2 have been a little darker?

3 A. Correct.

4 Q. And was it the same patrol vehicle that you returned the
5 defendant to when the interview was completed?

6 A. Yes.

7 MS. MICHAEL: You can go ahead and be seated.

8 Your Honor, I don't believe I have any other
9 questions for the witness at this time.

10 THE COURT: Okay. That you, Officer Rotta.

11 Cross-examination, please.

12 MS. WALDO: Thank you, Your Honor.

13 Is it also okay if I sit here at counsel table?

14 THE COURT: Absolutely.

15 MS. WALDO: Thank you.

16

17 CROSS-EXAMINATION OF RYAN ROTTA

18 BY MS. WALDO:

19 Q. Hi, Officer Rotta. How are you?

20 A. Good, ma'am.

21 Q. Can you hear me okay?

22 A. Yes, ma'am.

23 Q. Okay. So, I know you indicated earlier that you've been
24 with Metro for four and a half years; correct?

25 A. Yes, ma'am.

1 Q. Now, is that as of today's date?

2 A. Yes. That's my time as a police officer.

3 Q. Okay. So, at the -- the incident occurred back in January
4 of last year; correct?

5 A. Yes.

6 Q. So at that time you would have been on Patrol for maybe
7 about three years, or with Metro?

8 A. Yes, ma'am.

9 Q. Okay. And I know you indicated that you had been involved
10 in an officer-involved shooting so you had been put on
11 administrative leave; correct?

12 A. Yes, ma'am.

13 Q. And that was in July of 2015?

14 A. Of '14, ma'am.

15 Q. Of '14. I apologize.

16 And so then you were assigned to this Firearms Unit;
17 correct?

18 A. Yes.

19 Q. And how long had you been with that unit prior to this
20 incident?

21 A. I was there starting I want to say mid-September of '14 up
22 until this incident and then approximately till, I think, early
23 February of '15.

24 Q. Okay. So shortly after this incident you were moved to a
25 different unit?

1 A. I was back into my Patrol Unit --

2 Q. You were back --

3 A. -- where I --

4 Q. Okay.

5 A. -- originated.

6 Q. And when you were moved to this unit, did you have any
7 sort of specialized training for this particular unit?

8 A. No, ma'am.

9 Q. So, it was just standard protocol to move you to a
10 different unit?

11 A. Yes.

12 Q. And did you have any special knowledge of firearms or any
13 particularized knowledge that would, I guess, move you to this
14 particular unit?

15 A. No.

16 MS. MICHAEL: Objection, Your Honor. Relevance.

17 THE COURT: Well, I'm going to give her a little
18 leeway here. It's cross-examination --

19 MS. MICHAEL: Yes, Your Honor.

20 THE COURT: -- but, yeah. It does seem kind of --

21 MS. WALDO: Understood, Your Honor. I just want to
22 get kind of his --

23 THE COURT: This is not a discovery period.

24 MS. WALDO: Understood.

25 THE COURT: Okay.

1 BY MS. WALDO:

2 Q. Okay. So, and I apologize. Was your answer "no" to that
3 question?

4 A. Not -- not anything specific or particular. They just
5 give you options essentially when you're no longer in Patrol
6 for your -- your leave after a shooting, which is routine.

7 Q. Okay.

8 A. So I elected on my own to go to the Firearms Investigation
9 Unit because it interested me.

10 Q. Understood.

11 And then were you immediately assigned to
12 Detective Kitchen?

13 A. I wasn't assigned to anybody in particular. It would just
14 depend on who was at work that day and what tasks individuals
15 would have and I would just kind of hop from one to the other
16 depending on what they were doing and what I could learn.

17 Q. And I apologize. This may have been asked on direct.
18 Prior to January 6th, 2015, had you worked with
19 Detective Kitchen before that date?

20 A. Yes.

21 Q. Can you say about how many times?

22 A. I -- I mean, four days a week, from September to January.

23 Q. All right.

24 A. You know, accounting for a couple days off here or there
25 for him or I.

1 Q. Okay. Understood.

2 A. Numerous times.

3 Q. Okay. So, moving forward to January 6th, do you recall
4 about what time you got on scene that night?

5 A. I don't.

6 Q. Okay. If I -- are you familiar with a CAD log?

7 A. Yes, ma'am.

8 Q. And just to be, for the record, that just documents when
9 officers arrive on scene and kind of documents the time and the
10 events that take place that day?

11 A. Yes, ma'am.

12 Q. Okay. If I told you it was approximately around 6:55 p.m.
13 that night, would that sound about correct?

14 A. Yes, ma'am.

15 Q. And this was in January. So, it would have been dark
16 around that time?

17 A. Yes, ma'am.

18 Q. And you indicated that you actually parked several feet in
19 front of Mr. Qazi's car; correct?

20 A. Correct.

21 Q. And then I believe you testified that you actually walked
22 down to the patrol vehicle; correct?

23 A. Correct.

24 Q. And do you recall which patrol vehicle he was in?

25 A. I believe it was the front -- the front most patrol car.

1 Q. Okay. And did you -- when you -- and then you just opened
2 the car door and said get out of the car?

3 A. Essentially, yes. Opened the door, "go ahead and step
4 out" and then we walked to where Detective Kitchen was.

5 Q. Okay. And I believe you testified that you're in plain
6 clothes; correct?

7 A. Correct.

8 Q. And you had a -- I believe a badge that you said was
9 hanging from your neck?

10 A. We called it a hanging badge, yes.

11 Q. Okay. Now, it's January; correct?

12 A. Correct.

13 Q. So, was it cold that evening, do you recall?

14 A. I would assume so. Like I said, I was wearing a hoodie, I
15 think, so . . . generally, yes.

16 Q. So were you -- is it a hoodie that, like, zips up?

17 A. No. It's a pullover.

18 Q. And you -- were you wearing any other jacket or anything?

19 A. No, ma'am.

20 Q. So, is it your recollection that your badge would have
21 been visible?

22 A. Yes. It was -- it would be on the outside.

23 Q. Okay. But you never identified yourself and said I'm
24 Officer Rotta?

25 A. Not directly, no.

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 41 of 98
TRANSCRIBED FROM DIGITAL RECORDING

41

1 Q. Okay. So you just took him out of the car and then walked
2 him towards Detective Kitchen?

3 A. Yes.

4 Q. When you got down to Detective Kitchen, was the recorder
5 already started?

6 A. I'm not sure. I believe it was.

7 Q. Okay. So, that beginning part -- and I'm not going to
8 play it again -- but where he identifies who he is and who he's
9 talking to, where he's at, were you present for that time
10 frame?

11 A. I don't believe so. I think he was doing that as I'm
12 walking up. So, the timing worked out that at his conclusion
13 of that we were now present and he began his rest of the
14 interview.

15 Q. Was his recorder visible?

16 A. I don't recall.

17 Q. Okay. So you're not aware whether or not Mr. Qazi was
18 aware that his statement was being recorded?

19 MS. MICHAEL: Objection, Your Honor. It calls for
20 speculation.

21 THE COURT: It does call for speculation but, you
22 mean, maybe you can rephrase it so you're not just inquiring
23 about --

24 MS. WALDO: Okay.

25 THE COURT: -- what your client thought but . . .

1 MS. WALDO: Okay.

2 THE COURT: Do you have any --

3 BY MS. WALDO:

4 Q. So, you don't recall the recorder being visible?

5 A. I don't recall. Correct.

6 Q. And the statement with Detective Kitchen saying who he is,
7 where he's at, that occurred as you were walking up?

8 A. I believe so.

9 Q. Okay. And you never actually heard Detective Kitchen tell
10 Mr. Qazi this -- this statement is being recorded; correct?

11 A. Correct.

12 Q. Okay. Now, you indicated earlier on direct that your name
13 wouldn't typically appear in Arrest Reports or police reports
14 because you're just shadowing Detective Kitchen; is that
15 correct?

16 A. Correct.

17 Q. And why is that?

18 A. Just because of my -- kind of the terms of my assignment
19 there. I'm not -- I'm not a detective; I'm still an officer.
20 I'm not going to be there for a long period of time. We know
21 that going in so, I elected to -- I'm not even sure that it's
22 necessarily a policy specific, but I just elected that I would
23 not take over their roles because they're going to be there
24 when I'm gone so it would be -- I would still be in Patrol and
25 then having to go back to do detective things that I was never

1 a detective for.

2 Q. So, it's not a Metropolitan policy to not include your
3 name in the Arrest Reports; correct?

4 A. Not necessarily.

5 Q. And you understand, obviously, the importance of police
6 reports; correct?

7 A. Yes, ma'am.

8 Q. And you understand that, you know, defense attorneys,
9 Government attorneys, we're going to be looking at these
10 reports to identify potential witnesses?

11 A. Yes, ma'am.

12 Q. Okay.

13 MS. MICHAEL: Your Honor, I'm going to object to that
14 line of questioning as it hasn't been established that this
15 officer is the one who creates said reports that his name would
16 or would not have been contained inside of.

17 THE COURT: I understand, Ms. Michael, but I believe
18 he already testified that it was his choice not to be included
19 so he must have had some ability to make that choice --

20 MS. MICHAEL: Yes, Your Honor.

21 THE COURT: -- and apparently that's what happened.
22 So, the objection's overruled.

23 MS. WALDO: Thank you, Your Honor.

24 THE WITNESS: Can I clarify something?

25 THE COURT: Well, only -- if -- here's the way it

1 works. Just answer her questions. If Ms. Michael thinks you
2 need to clarify something, she's going to have a chance on
3 redirect. So . . .

4 THE WITNESS: Yes, sir.

5 THE COURT: You can rely on her. I know she'll do a
6 good job.

7 THE WITNESS: Yes, sir.

8 MS. WALDO: Thank -- thank you, Your Honor.

9 BY MS. WALDO:

10 Q. Now, you indicated that you walked Mr. Qazi away from the
11 patrol units; correct?

12 A. That's correct.

13 Q. Is there any particular reason why you would have walked
14 him from the -- from, I guess, the car itself?

15 A. We just walked to where unmarked cars were just to get
16 away from the patrol officers. The -- a little bit away
17 from -- if you can see on the video there, there's a large
18 shoulder, so it's a little bit more away from the street where
19 traffic is still coming by. So it's just a little bit more
20 quiet even though it's still -- there's still noise out, but .
21 . .

22 Q. Okay. Because I -- I mean, just looking on -- what --
23 on -- on the screen, there's a shoulder and it looks like,
24 almost like a gravel dirt lot.

25 A. Correct.

1 Q. And you chose just not to walk him over in that area so he
2 would have been away from traffic, but still by the patrol
3 units; correct?

4 A. Maybe I'm not understanding your question. The dirt lot
5 I'm referring to is the dirt that you can see on the right side
6 of the screen there (indicating).

7 Q. Yes.

8 A. The dirt beyond that is fenced off.

9 Q. Oh, okay. Understood.

10 And I -- I apologize. You said it was approximately
11 30 steps away?

12 A. Just estimated, but yes.

13 Q. Okay. Now, are you familiar with that Koval and Harmon
14 intersection?

15 A. Not intimately.

16 Q. But, I mean, just looking on the screen, you can tell that
17 there's quite a bit of traffic in that area; correct?

18 A. Yes.

19 Q. Okay. Now, you indicated that you were present during the
20 entire statement for Mr. Qazi; correct?

21 A. Correct.

22 Q. Now, you just listened to the statement that the
23 Government played; correct?

24 A. Correct.

25 Q. And you heard, if I'm summarizing correctly, Mr. Qazi, you

1 know, express numerous concerns about going to jail; correct?

2 A. Correct.

3 Q. And in response to that Detective Kitchen, I believe, told
4 him several times that "I'm not even sure if you're going to
5 jail"; correct?

6 MS. MICHAEL: Objection, Your Honor. At this point
7 counsel's testifying to the transcript. I believe it does
8 speak for itself.

9 THE COURT: Well, I assume she'll have a follow-up
10 question, so . . .

11 MS. MICHAEL: Yes, Your Honor.

12 MS. WALDO: Yes.

13 THE COURT: Okay. I think it's just setting the
14 foundation.

15 MS. WALDO: Yes.

16 THE COURT: Go ahead.

17 THE WITNESS: I'm sorry, can you repeat it?

18 BY MS. WALDO:

19 Q. So you -- on the transcript, Detective Kitchen said
20 numerous times that "I'm not sure you're going to prison. You
21 may not go to prison." Something to that effect; correct?

22 A. That's correct.

23 Q. And I know you testified on direct that Detective Kitchen
24 didn't make him any promises; correct?

25 A. That's correct.

1 Q. Now, what's a promise or I guess statements regarding
2 "you're not even going to go to jail" or "you may not go to
3 jail," wouldn't those be -- would those constitute promises in
4 your opinion?

5 MS. MICHAEL: Objection, Your Honor. I mean, it's
6 relevance and it's improper opinion.

7 THE COURT: I think what -- what -- what this officer
8 thinks about that, it's really -- you can -- I heard that on
9 the tape. If you want to argue that at the end, I'll be happy
10 to hear it but you don't need to make that argument by asking
11 him questions.

12 MS. WALDO: Okay.

13 THE COURT: Okay.

14 MS. WALDO: Understood.

15 THE COURT: Okay.

16 I guess I should say, objection sustained.

17 MS. WALDO: No further questions, Your Honor.

18 THE COURT: All right, Ms. Waldo.

19 Anything -- follow-up, Ms. Michael?

20 MS. MICHAEL: Yes, Your Honor. Just briefly.

21 THE COURT: All right.

22

23 REDIRECT EXAMINATION OF RYAN ROTTA

24 BY MS. MICHAEL:

25 Q. Officer, you were asked a few questions about walking the

1 defendant away from the patrol vehicle. Would it be fair to
2 say that while you and Detective Kitchen -- or -- sorry. While
3 you were present for Detective Kitchen's interview of the
4 defendant, the other officers were handling other duties?

5 A. Yes, ma'am.

6 Q. And they may have been speaking, whether it be on radio or
7 to each other?

8 A. Correct.

9 Q. So the location that you took the defendant to would have
10 potentially been quieter in that sense?

11 A. Correct.

12 Q. Would it also be fair to assume that any recording devices
13 utilized by Detective Kitchen would have been retrieved from
14 his vehicle?

15 A. From --

16 Q. From the vehicle where the defendant was walked towards.

17 A. Correct.

18 Q. So, I'm sorry, what I meant is the defendant was not only
19 walked toward Detective Kitchen, but also whatever was --
20 whatever devices were utilized for recording the interview?

21 A. Correct.

22 Q. You were asked about identifying yourself as an officer
23 that night. Was anything that you did out of -- not ordinary
24 or unusual?

25 A. It was not unusual for us, no. It would have been unusual

1 for just a random person to do, so . . .

2 Q. Right. And at that point the defendant had already been
3 with officers, law enforcement patrol that were in uniform in
4 marked vehicles for some time prior to your arrival?

5 A. Correct.

6 Q. I think you were also asked briefly about the beginning
7 portion of the transcript of the statement. Would it be fair
8 to say that that's sort of the preamble where Detective Kitchen
9 identifies himself and sets forth event number and all the
10 pertinent information?

11 A. Yes, ma'am.

12 Q. Again, is it unusual for a detective to do that preamble
13 prior to a defendant being present or prior to speaking with a
14 defendant?

15 A. Not at all.

16 Q. You were also asked in terms of your name or information
17 appearing in the documents regarding this investigation. So
18 why wasn't your information or name included in those
19 documents?

20 A. I don't -- I didn't write, like, the Arrest Report or, you
21 know, the documents that -- that noted who was present, so I
22 had no control over that but, what I meant by that was just
23 like, writing -- if I were to conduct the Property Report or
24 something, I wouldn't -- it would be done -- like,
25 Detective Kitchen or Detective Bien would complete it and my

1 name would not be on there because there's only -- only one of
2 them would go on there. The detective who is handling the
3 case, their name would go on that report. There's not
4 additional lines for additional officers there.

5 Q. And fair to say that those detectives would be the ones
6 assigned to this case and to do any sort of follow-up or
7 additional investigation in terms of the case?

8 A. That's correct.

9 Q. But again, you did indicate obviously that your
10 information would be captured and documented in terms of your
11 presence there on the CAD and on the unit log?

12 A. That's correct.

13 Q. And would it be fair to say that those documents would
14 show sort of your interaction to be similar or in conjunction
15 to that of Detective Kitchen?

16 A. In a sense --

17 Q. Like, in terms of timing?

18 A. Correct. And my -- just my general presence.

19 MS. MICHAEL: Your Honor, I don't have any other
20 questions.

21 THE COURT: All right. Let me ask some.

22 You want -- does counsel want Exhibits 2 and 3 in
23 evidence? Everybody's been talking about these.

24 MS. MICHAEL: Yes, Your Honor. The Government would
25 officially move to enter those into evidence. Again, I believe

1 both counsels are agreeing to them and that's 2 being the unit
2 log and 3 being the CAD report.

3 THE COURT: Ms. Waldo?

4 MS. WALDO: That is correct, Your Honor.

5 THE COURT: All right. 2 and 3 will be admitted.

6 (Government Exhibits 2 and 3
7 were received into evidence.)

8 THE COURT: Now, there's another exhibit here, Number
9 1. Is another witness going to handle that?

10 MS. MICHAEL: Yes, Your Honor. That will be
11 Officer Glover.

12 THE COURT: Okay. All right. So, anything more?

13 MS. WALDO: Just briefly.

14 THE COURT: Okay.

15

16 RE CROSS-EXAMINATION OF RYAN ROTTA

17 BY MS. WALDO:

18 Q. Officer Rotta, on the CAD log and the officer report
19 that -- or the unit log that we've been discussing, all that
20 documents is the officers' name and the time that they arrive
21 and the time that they would leave; correct?

22 A. Essentially, yes.

23 Q. So, it wouldn't specifically identify what role you would
24 have played in an investigation; correct?

25 A. That's correct.

1 Q. That would normally be done in the documented Arrest
2 Reports or police reports; correct?

3 A. Correct.

4 Q. So, if you played a substantial role in the investigation,
5 we wouldn't be able to determine that just by looking at the
6 unit log or the CAD log; correct?

7 A. That would be correct.

8 MS. WALDO: No further questions, Your Honor.

9 THE COURT: All right. Anything more, Ms. Michael?

10 MS. MICHAEL: Nothing.

11 THE COURT: No. Okay.

12 Officer Rotta, thank you very much for your
13 testimony.

14 THE WITNESS: Thank you.

15 THE COURT: He's free to go; right? Nobody's going
16 to need him any more today?

17 All right.

18 MS. MICHAEL: I don't, Your Honor.

19 THE COURT: You're free to go. Thank you.

20 (Witness excused.)

21 THE COURT: Next witness, Ms. Michael.

22 MS. MICHAEL: Yes, Your Honor. That's going to be
23 Officer Glover.

24 May I just retrieve the officer?

25 THE COURT: Okay.

1 JOSHUA GLOVER,
2 called as a witness on behalf of the Government, having been
3 first duly sworn, was examined and testified as follows:
4

5 THE COURT: How long do you think he's going to take?

6 MS. MICHAEL: Maybe 15 minutes.

7 THE COURT: Okay. We'll do him and then I'll
8 probably take a break for you guys.

9 Is that going to be the only other witness?

10 MS. MICHAEL: Yes, Your Honor.

11 THE COURT: Okay.

12 MS. MICHAEL: Yes.

13 THE COURT: Okay, then. So let him testify and then
14 we'll take a short break before your argument.

15 (Brief pause in proceedings.)

16 COURTROOM ADMINISTRATOR: Raise your right hand.

17 You do solemnly swear that the testimony you shall
18 give in the cause now before this Court shall be the truth, the
19 whole truth, and nothing but the truth, so help you God?
20

21 THE WITNESS: Yes.

22 THE COURT: Have a seat and say and spell your name
23 for the record.

24 THE WITNESS: Joshua Glover, J-o-s-h-u-a-G-l-o-v-e-r.

25 THE COURT: Ms. Michael.

1 MS. MICHAEL: Yes.

2

3 DIRECT EXAMINATION OF JOSHUA GLOVER

4 BY MS. MICHAEL

5 Q. Good morning, Officer.

6 A. Good morning.

7 Q. Can you tell us where you work.

8 A. Las Vegas Metropolitan Police Department.

9 Q. And how long have you worked there?

10 A. Just over seven years.

11 Q. Okay. And where are you currently assigned?

12 A. Internal Affairs Bureau, Diversity Section.

13 Q. Where were you assigned in January of 2015?

14 A. Convention Center Area Command.

15 Q. Okay. And do you recall being on duty that evening?

16 A. Yes.

17 Q. Do you recall conducting a traffic stop?

18 A. Yes.

19 Q. And what location was that in?

20 A. It was Harmon just west of Koval.

21 Q. And do you recall coming into contact with anyone you see
22 here in the courtroom today?

23 A. Yes.

24 Q. If you could just point to that individual and identify
25 him by an article of clothing or location in the courtroom.

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 55 of 98
TRANSCRIBED FROM DIGITAL RECORDING

55

1 A. Blue t-shirt.

2 MS. MICHAEL: Your Honor, for the record, the witness
3 has identify -- sorry -- identified the defendant by point of
4 finger and article of clothing.

5 THE COURT: The witness has identified Omar Qazi.

6 BY MS. MICHAEL:

7 Q. And I'm sorry, Officer, are you now a detective actually?

8 A. Yes.

9 Q. Okay. I -- yes.

10 So Detective, when you came in contact with the
11 defendant, was there a point at which you did provide him or
12 read to him Miranda warnings?

13 A. Yes, there was.

14 Q. And what did you read from when you provided those?

15 A. My department issued Miranda card.

16 Q. And do you recall reviewing that card and providing it to
17 the Government, the one that you utilized on that evening?

18 A. Yes.

19 Q. Okay. Do you also recall providing notes that you took in
20 relation to your encounter with the defendant on that evening?

21 A. Yes.

22 MS. MICHAEL: Your Honor, if I may, I'm referencing
23 Exhibit No. 1. Again, I do believe the parties are agreeing to
24 enter this into evidence. I can show it to the witness if
25 Your Honor would prefer, just for identification purposes.

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 56 of 98
TRANSCRIBED FROM DIGITAL RECORDING

56

1 THE COURT: That's -- any objection?

2 MS. WALDO: We have an agreement, Your Honor.

3 THE COURT: Okay. Exhibit 1 is admitted into
4 evidence there being no objections, stip -- by stipulation.

5 (Government Exhibit 1 was
6 received into evidence.)

7 MS. MICHAEL: And, Your Honor, if I may, I just
8 wanted to approach the witness with the exhibit.

9 THE COURT: Sure.

10 MS. MICHAEL: Just let the record reflect I've
11 approached the witness with what has been marked as Exhibit 1.

12 BY MS. MICHAEL:

13 Q. And Detective, do you recognize those documents?

14 A. Yes, I do.

15 Q. Now, did you also have a chance to go over the body camera
16 footage in relation to your encounter with the defendant?

17 A. I did.

18 Q. And did you see the portion where you did provide him his
19 Miranda warnings?

20 A. Yes, I did.

21 MS. MICHAEL: Your Honor, if I may, I'm going to
22 refer to that portion.

23 THE COURT: Sure.

24 (Recording duly played.)

25 MS. MICHAEL: Your Honor, this appears to be frozen

1 for a second so I'll just come back to that for a minute.

2 THE COURT: You might, you know --

3 MS. MICHAEL: Close it and start it again?

4 THE COURT: My experience, yeah, close it and reopen
5 it I would -- I would guess; right? That's usually the first
6 thing, when you call the System's Department, that's the first
7 thing they say.

8 (Brief pause in proceedings.)

9 THE COURT: Let it load and then you can try it
10 again.

11 (Brief pause in proceedings.)

12 MS. MICHAEL: Well, Your Honor, the Government did
13 try and attempt to play 3:50 to around 4:15 of the body camera
14 footage, the second track.

15 BY MS. MICHAEL:

16 Q. Officer, you do -- I'm sorry, Detective, you do recall
17 reviewing that portion?

18 A. Yes.

19 Q. And when you reviewed that portion, as best you can tell,
20 was it consistent with the card that you provided?

21 A. Yes.

22 THE COURT: That -- that's the card that's Exhibit 1
23 right in front of you there; right?

24 THE WITNESS: Correct. Yes, Your Honor.

25 THE COURT: Okay.

1 BY MS. MICHAEL:

2 Q. But fair to say that when you did review this, there are
3 some sort of interruptions in the video recording so it's a
4 little difficult to make out all the words?

5 A. Yes. That's correct.

6 Q. Would it be fair to say that your intention was to read
7 the card in its entirety to the defendant?

8 A. Yes, it was.

9 Q. Now also, there is -- and again, I'm referring to Exhibit
10 No. -- No. 1, these are your notes. And we could see in the
11 body camera footage you checking your watch?

12 A. Yes.

13 Q. And why did you do that?

14 A. To document when I had read him his Miranda rights.

15 Q. Okay. And did you go ahead and notate that in the sort of
16 note pad that we have a copy of here?

17 A. Yes, I did.

18 Q. And, I'm sorry, can you just find for me and verify the
19 time frame that it was.

20 A. It's about five lines down and it says "read Miranda," the
21 at sign, "1609."

22 Q. Okay. And also looking up at the top, did you document
23 when you first stopped the defendant?

24 A. Yes. It's in the upper right corner. It says "TOS,"
25 which stands for time of stop, and that was 1553.

1 Q. And at the time you read the defendant his Miranda rights
2 obviously he was in custody at that time?

3 A. That's correct.

4 Q. And fair to say the defendant responded that he understood
5 his rights?

6 A. Yes. I believe he asked a question. I restated if he
7 understood his rights and he said yes.

8 Q. I know we showed a little bit of it but, do you recall as
9 part of the body camera footage that it does show that he
10 continues to engage you or ask questions of you in relation to
11 the stop at that time or your encounter with him at that time?

12 A. Yes, that's correct.

13 Q. And what, if any, questions do you recall asking him after
14 you provided him his Miranda rights?

15 A. What questions did I ask him?

16 Q. Yes.

17 A. I -- I don't recall specifics.

18 Q. Do you recall them just being general questions?

19 A. I believe so.

20 Q. And do you recall that you didn't ask him questions for
21 very long; that your conversation with him was relatively
22 short?

23 A. Yes, that's correct.

24 Q. And at no point did he ask for an attorney?

25 A. No.

1 Q. And at no point did he ask for you to stop asking him
2 questions?

3 A. No.

4 Q. And would it be fair to say that due to the firearm that
5 was found or located in the vehicle that the defendant had been
6 previously operating you called Firearms?

7 A. Yes, that's correct.

8 Q. Why did you do that?

9 A. Because I knew Firearms detectives were the ones at the
10 time responsible for coming out to conduct a search warrant to
11 recover that firearm.

12 Q. So that was normal procedure for you?

13 A. In this case, yes.

14 Q. Okay. And did Firearms actually arrive?

15 A. Yes, they did.

16 Q. Do you recall who arrived?

17 A. I recall Detective Frank Bien. Possibly an Officer Ryan
18 Rotta who is doing a ride-along with Firearms, and their
19 sergeant, Bud Wolfenbarger, and there was another detective,
20 possibly Mike Kitchen.

21 Q. And when they arrived, do you recall sort of briefing them
22 or giving them information about what had occurred up to this
23 point?

24 A. Yes. I gave them a full brief from my note pad.

25 Q. And I may have already asked you this but, when you

1 encountered the defendant, you were in a marked vehicle?

2 A. Yes, that's correct.

3 Q. In full uniform?

4 A. Yes.

5 Q. As was the other officer whose body camera footage was
6 provided for -- for this investigation?

7 A. Yes.

8 Q. And you were the only two on location prior to the
9 Firearms detectives arriving?

10 A. Myself and Officer Voodre?

11 Q. Yes.

12 And when the detectives arrived, how were they
13 attired?

14 A. In plain clothes.

15 Q. Is that normal?

16 A. Yes.

17 Q. And do you recall sort of who did what in terms of the
18 detectives when they arrived?

19 A. From what I recall, myself and Detective Bien began the
20 process of doing the search warrant, the telephonic search
21 warrant and Sergeant Wolfenbarger was kind of supervising both
22 the scene and Detective Kitchen was going to be responsible for
23 the evidentiary collection, meaning actually once we had the
24 telephonic search warrant signed off, he was going to retrieve
25 and do the DNA collection and evidentiary collection of the

1 firearm from the vehicle.

2 Q. And in terms of anyone speaking to the defendant, are you
3 aware if one of the detectives did speak to the defendant?

4 A. Afterwards it was told to me that Kitchen --
5 Detective Kitchen did an interview with the defendant.

6 Q. Okay. Now, when you did the briefing of these detectives
7 as to what had happened, did you let them know that you had
8 provided the defendant with his Miranda rights?

9 A. Yes, I did.

10 Q. And that he had indicated to you that he understood them?

11 A. Yes.

12 Q. And that you had had sort of a brief exchange or a brief
13 conversation?

14 A. Yes, that's correct.

15 Q. Would it be fair to say that after that brief exchange or
16 brief conversation that you had with the defendant prior to
17 Firearms arriving that otherwise, you did not speak to the
18 defendant?

19 A. That's correct.

20 Q. Okay. You didn't ask him any questions about the gun or
21 about anything else in terms of the circumstances?

22 A. I definitely didn't ask him about the gun. But again, I
23 think the general questions right after, you know, may have
24 been related to is that his car or he was driving that car
25 and --

1 Q. But there was a time frame for which there was no
2 interaction or exchange in terms of questioning or
3 interrogation between you and the defendant, prior to Firearms
4 arriving?

5 A. Yes, that's correct.

6 Q. And do you recall where the defendant was throughout that
7 duration?

8 A. Originally he was sitting on the sidewalk and at one point
9 he was moved to the back of the patrol vehicle.

10 Q. And do you recall about how far or where he was taken when
11 he was interviewed, if -- if you saw it?

12 A. I didn't see it.

13 Q. Okay.

14 MS. MICHAEL: Your Honor, I don't think I have any
15 other questions for the witness at this time.

16 THE COURT: Thank you, Ms. Michael.

17 Ms. Waldo.

18 MS. WALDO: Thank you, Your Honor.

19

20 CROSS-EXAMINATION OF JOSHUA GLOVER

21 BY MS. WALDO:

22 Q. Hi, Detective Glover.

23 A. Hi.

24 Q. So, I just want to back up a little bit. So, on
25 January . . . I believe it was 6th; correct? Or is it 5th?

1 January 5th.

2 A. 6th.

3 Q. 6th, 2000 -- 2015, you were working -- you were a patrol
4 officer at that time; correct?

5 A. Yes.

6 Q. So you -- and how long had you been a patrol officer at
7 that point?

8 A. Six years.

9 Q. Okay. And you -- I guess I want to just kind of back up
10 because I don't think the Government got into it but, what
11 brought you into contact with Mr. Qazi on that night?

12 MS. MICHAEL: Your Honor, I'm going to object to
13 this. This Evidentiary Hearing is obviously very limited in
14 terms of Miranda and the circumstances surrounding that so I
15 don't believe it would be appropriate to get into the previous
16 issues that have already been addressed by the Court and ruled
17 on.

18 THE COURT: Okay. Well, there's -- why is this
19 relevant to today's hearing, Ms. Waldo?

20 MS. WALDO: Pardon?

21 THE COURT: Why is the reason for the stop
22 relevant --

23 MS. WALDO: Well, I guess I want to know --

24 THE COURT: -- to today's hearing?

25 MS. WALDO: -- I mean -- I mean, obviously he, at

1 some point, I would imagine, had either detained Mr. Qazi or
2 placed him under arrest and I want to know what the basis was
3 for that because at that point that's when he would have read
4 his Miranda rights.

5 THE COURT: Well, but, you see, I mean, the only two
6 issues we're trying to decide today is the adequacy of the
7 Miranda warning and the timing and circumstances. You know,
8 nobody disputes that he was detained.

9 MS. WALDO: Okay.

10 THE COURT: So I really don't see what's relevant
11 about how -- how he got to be detained.

12 MS. WALDO: Okay. I'll move on.

13 THE COURT: Convince me. I'll give you another
14 chance.

15 MS. WALDO: All right. Thank you, Your Honor.

16 THE COURT: All right. Go ahead.

17 BY MS. WALDO:

18 Q. Okay. So I'm going to fast-forward now to when you
19 actually read him his rights.

20 MS. WALDO: Do you guys mind if I use my computer?

21 MS. MICHAEL: No. It's the same. It's the same.

22 MS. WALDO: Your Honor, I'm not -- it's not going to
23 be on screen, but mostly I just want to hear the actual reading
24 of the rights.

25 THE COURT: Okay.

1 MS. WALDO: And it's the same that she has up there.

2 THE COURT: Can you bend the microphone down to it?
3 That's our high tech way of doing it.

4 (Recording duly played.)

5 BY MS. WALDO:

6 Q. Officer, can you hear this okay?

7 A. Yeah. It's fine.

8 Q. Okay.

9 (Recording duly played.)

10 BY MS. WALDO:

11 Q. Okay. I'm going to stop it right there for a second,
12 Your Honor -- Officer -- or Detective, I apologize.

13 So, I'm looking at the card that you -- what's been
14 marked as Government's Exhibit 1. So, I -- I hear on there
15 "you have the right to remain silent"; correct?

16 A. Yes.

17 Q. And then you say, "Anything you say can be used against
18 you in a court of law"; correct?

19 A. Yes.

20 Q. Now, the next point I believe is where I'm going to have
21 my question. On the card it says, "You have the right to the
22 presence of an attorney during questioning"; correct?

23 A. Yes.

24 Q. All right. So I'm going to play that portion again for
25 you.

1 (Recording duly played.)

2 MS. WALDO: Or the whole thing again.

3 BY MS. WALDO:

4 Q. Okay. So, on that statement, what I hear is "you have the
5 right to the presence of an attorney"; correct?

6 A. Yes.

7 Q. So, you don't actually add the words "during questioning";
8 correct?

9 THE COURT: You know what, Ms. Waldo, why don't you
10 start at the beginning. It's -- it's only five lines. Why
11 don't you play the whole thing through once and then we'll go
12 back and parse it out.

13 MS. WALDO: Okay.

14 THE COURT: Yeah. All right.

15 (Recording duly played.)

16 BY MS. WALDO:

17 Q. Did you hear that, Detective?

18 A. I did, yes.

19 Q. Okay. So, my recollection or what I hear on this tape is
20 that -- and I'm just going to be referring to the -- to the
21 third line on this Miranda card. It says, "You have the right
22 to the presence of an attorney during questioning"; correct?

23 That's on the Miranda card?

24 A. Correct.

25 Q. But in -- what I hear on this body cam footage is that

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 68 of 98
TRANSCRIBED FROM DIGITAL RECORDING

68

1 "you have the right to the presence of an attorney"; correct?

2 A. That's correct. I agree.

3 Q. And then you move on to the next one; right? Which is
4 you -- "if you cannot afford an attorney, one will be appointed
5 before questioning"; correct?

6 A. That's correct.

7 Q. Okay. So, you would agree that on that body cam footage
8 during the reading of the Miranda rights you don't say "during
9 questioning"; correct?

10 A. It -- it appears that way, yes.

11 Q. Okay.

12 THE COURT: I -- I mean, to me it's obvious. I mean,
13 that's what I heard.

14 Does the Government dispute that?

15 It appears the witness inadvertently left out the two
16 words "during questioning."

17 MS. MICHAEL: That's correct, Your Honor.

18 THE COURT: Okay.

19 MS. MICHAEL: I think at one point in the recording,
20 there's a pause, there's a little noise, it's hard to tell, but
21 from hearing it again, yes.

22 THE COURT: It sounds like it went right through
23 smoothly there.

24 MS. WALDO: Correct.

25 THE COURT: I mean, there is honking and whatnot but,

1 the witness agreed. I think all counsel agree, necessarily
2 what I heard, and I'm not, you know -- I'm not giving you a
3 hard time. We're just trying to establish what the facts are.

4 THE WITNESS: Absolutely.

5 THE COURT: Okay. Thank you.

6 MS. WALDO: Your Honor, based on that, I don't
7 believe I have any further questions.

8 THE COURT: All right.

9 Ms. Michael.

10 MS. MICHAEL: Yes. Just one follow-up.

11

12 REDIRECT EXAMINATION OF JOSHUA GLOVER

13 BY MS. MICHAEL:

14 Q. Officer -- sorry, Detective, was that intentional?

15 A. No. Absolutely not.

16 MS. MICHAEL: Your Honor, I don't have any other
17 questions.

18 THE COURT: Fine. Thank you so much for coming in.
19 We don't need this witness anymore?

20 MS. WALDO: No, Your Honor.

21 THE COURT: All right. And why don't I -- let's take
22 like a 10 minute break, get organized, and I'll hear argument
23 and I'm going to take it under submission.

24 COURTROOM ADMINISTRATOR: Please rise.

25 (Recess was taken at 11:39:19 a.m.)

Case 2:15-cr-00014-APG-VCF Document 215 Filed 10/14/16 Page 70 of 98
TRANSCRIBED FROM DIGITAL RECORDING

70

1 (Proceedings resumed at 11:53:17 a.m.)

2 COURTROOM ADMINISTRATOR: Please rise.

3 THE COURT: Thank you. Please be seated.

4 COURTROOM ADMINISTRATOR: This is the conclusion of
5 USA vs. Omar Qazi, 2:15-cr-14-APG-VCF.

6 THE COURT: Hope -- hopefully it's the conclusion. I
7 realize that we need to talk, I guess, briefly about
8 Detective Kitchen. Do you still think you need to call him for
9 any reason, Ms. Waldo?

10 MS. WALDO: Not at this time, Your Honor.

11 THE COURT: Okay. So it is the conclusion.

12 So, as I said, the Government has the burden. So,
13 I'll hear from the Government first on the issue of the timing
14 of the warning and also its content.

15 MS. MICHAEL: Yes, Your Honor.

16 Your Honor, I had sort of prepared to address all
17 three. So, as I understand it, we had the three issues in
18 front of us; the Miranda warnings in terms of sufficiency.
19 However, we've established what those warnings are. We've
20 briefed them. And that's really a question of law at this
21 point. There was also --

22 THE COURT: Sufficiency. Okay. Sufficiency is one.

23 MS. MICHAEL: There was also the issue of whether the
24 defendant needed to be re-Mirandized, which, again, the
25 Government's position is that's a legal issue and I do believe

1 both parties argued it. However, the Government still stands
2 by the fact that the defense or defendant has not provided any
3 case law to support that that was required, whereas the
4 Government did provide case law saying --

5 THE COURT: Hold on. What's the third issue then?

6 MS. MICHAEL: The third issue is -- is sort of the
7 general voluntariness --

8 THE COURT: Voluntariness. Oh, okay.

9 MS. MICHAEL: -- the Government believes. So I guess
10 I just parsed them out to try and keep it -- the argument --

11 THE COURT: No. That's fine. Let's do all three.
12 Perfect. Yes.

13 MS. MICHAEL: But obviously the voluntariness sort of
14 plays in to the others as well.

15 THE COURT: Um-hmm.

16 MS. MICHAEL: But, um . . . but, again -- yeah.

17 Again, in terms of the re-Mirandizing being required, I don't
18 believe defense has provided any case law that supports that
19 that had to have been done in this case. But I guess,
20 Your Honor, that plays in to this -- the facts and
21 circumstances.

22 As it stands, I do believe both parties are in
23 agreement on the facts and circumstances in the sense of the
24 time frame between when the defendant received Miranda rights
25 from Officer Glover and then the time that he was interviewed

1 by Detective Kitchen. There is that difference in time frame.
2 The difference in location, which now has been a little more
3 explained on the record by use of the body camera footage and
4 by the witnesses, which I believe feeds into the Government's
5 argument that it wasn't a significant change in location. It
6 wasn't a significant change in terms of who was present.

7 And just generally, in terms of there being some sort
8 of break in the time frame or the encounter the defendant was
9 having with law enforcement, again, I don't believe that there
10 have been any facts on this record to show that there was any
11 substantial break in time, location, and again, as the
12 Government had provided in the case law, even if there's a
13 change in who the defendant's speaking with, that doesn't
14 create a problem in terms of him having to be re-Mirandized by
15 the new individual. So, Your Honor, I do believe the facts
16 that have been put forth on the record from witnesses and from
17 the evidence do support that he did not to be -- did not need
18 to be re-Mirandized.

19 Now, Your Honor --

20 THE COURT: Hold on. Hold on. Hold on a minute.

21 MS. MICHAEL: Oh, yes. Of course.

22 THE COURT: So, while we're on that part, I -- I was
23 trying to listen and pay attention. You know, we certainly
24 know what time he was Mirandized. It seems very clear that it
25 was at 1609. That's on Exhibit 1, I think; right?

1 Let me see . . . 1553 was the stop and . . .

2 MS. MICHAEL: Five lines down I do believe it says
3 1609. That's what Officer Glover testified -- or
4 Detective Glover testified to.

5 THE COURT: Oh, yeah. Read Miranda 1609.

6 Now, what time did -- you know, can we pick out a
7 time when the interview started? The transcript, you know, a
8 lot -- it says 1913 hours.

9 MS. MICHAEL: And I did -- I did actually confer with
10 defense counsel to make sure that we were understanding. We
11 both utilized that time frame.

12 THE COURT: Okay.

13 MS. MICHAEL: However, since then we've also
14 discovered that the date on there unfortunately appears to be
15 incorrect, but we were both utilizing that time frame for our
16 argument, so that's what we had both relied upon.

17 THE COURT: You know what? We can sort of
18 double-check to the extent this -- these Exhibits 1 and 2 are
19 in here.

20 MS. MICHAEL: Yes.

21 THE COURT: Let's see . . . it shows that -- looks
22 like Kitchen -- the first time his name shows up is 1854.
23 Kitchen and Rotta show up and then I -- I mean, I don't know
24 what all these codes are, but that's the first time he shows up
25 and . . . that would make about -- that would make about right.

1 MS. MICHAEL: Correct.

2 THE COURT: So I --

3 MS. MICHAEL: And that's what defense counsel was
4 just pointing out, that it appears to be an accurate time frame
5 based on when you look at it, in connection with the CAD --

6 THE COURT: Okay.

7 MS. MICHAEL: -- and the unit log.

8 THE COURT: So I'm going to find that the warning was
9 at 1609 and the interview started at 1913. Okay. Great.

10 Go ahead.

11 MS. MICHAEL: And then, Your Honor, I do believe the
12 last sort of set of facts that were presented by defense
13 counsel, again, the Government was interpreting that as a
14 voluntariness argument where defense was talking about what
15 Detective Kitchen was wearing, whether he identified himself as
16 a police officer, the facts --

17 THE COURT: You know, the mask is a little
18 disconcerting, I would think; right? I mean, where -- what's
19 a -- you know, a citizen is arrested and then, you know, Rotta
20 shows up. Apparently he's got the badge, so that's a little
21 reassuring but then he brings him over to some character in --
22 you know, with a -- with a -- hiding his face. I mean, that --
23 isn't that -- wouldn't that cause you concern if you were the
24 defendant?

25 MS. MICHAEL: Well, Your Honor, I -- perhaps. But

1 the problem is there hasn't been that information placed on the
2 record, in terms -- it was just an argument. No one is --

3 THE COURT: No. No. He -- he said -- because
4 Officer -- or Officer Rotta said that it was standard practice
5 for this detective, because he was an undercover detective, he
6 had distinctive facial hair and things of that nature, that he
7 would hide his face when he would interview a witness.

8 MS. MICHAEL: Correct, Your Honor. But in terms of
9 the defendant being scared or threatened --

10 THE COURT: Oh.

11 MS. MICHAEL: -- the defendant -- we don't know the
12 defendant's state of mind.

13 THE COURT: State of mind. All right. True.

14 MS. MICHAEL: So -- so what the Government is arguing
15 is that what we do have and what is required under the case law
16 is to look at the totality of the circumstances. Obviously the
17 Government's required to show that the waiver was voluntary.
18 However, if the defense is trying to say that -- I'm sorry, a
19 statement was obtained involuntarily, they have to show
20 coercion on behalf of law enforcement, and just making
21 arguments that, you know, someone felt threatened or
22 uncomfortable or didn't know if he was law enforcement or not,
23 I don't believe that's what the totality of the circumstances
24 or the evidence provided to the Court supports.

25 It is quite a high -- a high standard, Your Honor,

1 and I do have a few cases that I -- that I can note in terms,
2 Your Honor, where confession is involuntarily coerced, either
3 by physical intimidation or psychological pressure, which is
4 *United States vs. Haswood*, 350 F.3d 1024, 1027, Ninth Circuit.
5 "In determining whether defendant's confession was voluntary,
6 the question is whether the defendant's will was overborne at
7 the time he confessed." That's *Clark vs. Murphy*, 331 F.3d
8 1062, at 1072, Ninth Circuit. There's additional quotations
9 for that. And the -- "In the end result, we must consider the
10 totality of the circumstances involved and their effect upon
11 the will of the defendant," and that's *U.S. vs. Crawford*, which
12 is also a Ninth Circuit case that was citing -- I'm sorry,
13 *Schneckloth vs. Bustamonte* but, I guess my point, Your Honor,
14 is that just based -- based what's on -- what's on the record,
15 and that's why I specifically wanted to play the defendant's
16 statement --

17 THE COURT: Um-hmm.

18 MS. MICHAEL: -- so Your Honor could hear the
19 demeanor of Detective Kitchen and the response of the
20 defendant -- I mean, there's -- there's quite a few facts that
21 support that it was not coerced.

22 THE COURT: Um-hmm.

23 MS. MICHAEL: The casualness of the encounter.
24 Your Honor can hear the tone of Detective Kitchen and the tone
25 of the defendant. I mean, if he was so scared, he doesn't

1 scream out for help. He doesn't say, "Who are you? What's
2 happening?" There's -- there's nothing to indicate that. He's
3 been in police custody the entire time. I mean, even based on
4 the defendant's statement himself, this is not his first
5 encounter with law enforcement. He did ask questions of the
6 patrol units. I'd say it would be unreasonable for anyone to
7 assume that some random person is going to show up with a mask
8 and ask them questions and then provide personal information
9 such as your date of birth, Social Security number, your ---
10 your prior criminal history. You know, he knows he's talking
11 to a police officer. And I think it's very clear from how he
12 responds that he's not threatened or coerced into doing
13 anything. I understand, Your Honor, that some of the tactics
14 may not be looked upon favorably by some individuals, but none
15 of the interrogation -- none of the ways that Detective Kitchen
16 interrogated him, according to, again, case law, are a problem.
17 He didn't make --

18 THE COURT: Well, yeah. I -- yeah. Because I -- I
19 think, you know, naturally when you're reading along with the
20 transcript and you're hearing the words, and there's no
21 question that the detective was a very experienced
22 interviewer/interrogator and he used his experience to motivate
23 the defendant to change his position. Because at the beginning
24 he was saying, "No, I don't know anything about it," you know,
25 the car was maybe broken into, "I never" -- and then, of

1 course, at the end of the time he changed his story and
2 obviously he wouldn't have changed his story had not Detective
3 Kitchen sort of taken him down the road. But the question is,
4 is that -- I think what you're saying, does that really amount
5 to making it an involuntary admission.

6 MS. MICHAEL: Correct.

7 THE COURT: I mean, it was certainly an admission
8 that was motivated by the questioning, but there must be a line
9 there in the -- in the continuum of getting someone to talk.
10 And, you know, there's no question . . . "Your kids are in the
11 next room and I'm not going to let them out until you tell me."
12 All right. But, you know, that wasn't -- clearly not that.
13 But it is on the continuum here. I have to give it some
14 serious thought. So, go ahead and finish --

15 MS. MICHAEL: Oh -- I'm --

16 THE COURT: -- but I just want to let you know where
17 I'm going here.

18 MS. MICHAEL: Understood, Your Honor.

19 And I think what, again, helps in terms of facts at
20 looking at that, look at where the interview took place.

21 THE COURT: Um-hmm.

22 MS. MICHAEL: You know, it's outside. It's in the
23 presence of two officers. Look at the length of the interview.
24 We're talking about 19 minutes, at most. We're not talking
25 about hours and hours of a detective going over and over

1 something.

2 Also look at the language in the questions that are
3 used. Detective Kitchen doesn't particularly change anything
4 he's asking or saying at the point that the defendant does, in
5 fact, confess. You know, the defendant felt strong enough or
6 comfortable enough to deny it all the way up to about -- until
7 about 15 minutes into the interview, and there's nothing
8 particular that Detective Kitchen does or changes in the way of
9 his interrogation that causes the defendant to change his
10 answer. It's almost surprising. You almost miss it when you
11 read the transcript --

12 THE COURT: Well --

13 MS. MICHAEL: -- because he just says, "How long have
14 you had the gun?" and all of a sudden he says, "Oh, I don't
15 know, two or three weeks." I mean, there's --

16 THE COURT: A couple of weeks. Yeah.

17 MS. MICHAEL: -- there's -- there's -- it really is
18 something you could almost miss if you were not specifically
19 looking for it because -- because of how the conversation
20 occurred. So I think those are the factors that are really
21 important to look at, you know, the time frame, the questions,
22 the demeanor, the location.

23 You know, and even when he gave that response, it
24 didn't -- again, you know, the -- it's not like the detective
25 smelled blood or anything and kept asking and getting more

1 aggressive. He just asked him a couple more follow-up
2 questions, you know, about the gun and continued.

3 And he didn't specifically make any promises or
4 threats. Obviously they talk generally about individuals
5 cooperating or not cooperating. You know, and again, this is
6 an individual -- and this is from his statement -- who has had
7 encounters with law enforcement before and throughout that
8 talks about understanding the circumstances and understanding
9 the situation. So, that is part of the Court's analysis, it
10 can be, is the defendant's personal history --

11 THE COURT: Um-hmm.

12 MS. MICHAEL: -- and experience in the past as to
13 whether, you know, this is a law enforcement officer taking
14 advantage of let's say a juvenile, or taking advantage of
15 someone who has never had any contact with law enforcement
16 before, or -- you know, or doing it down at a station house, in
17 a more custodial setting. Those are scenarios where I believe
18 courts have found that that is what pressures someone to
19 confess. Because the whole point is, no one wants a confession
20 that is not -- that is not credible.

21 THE COURT: Let me -- let me just maybe redirect
22 things a little bit.

23 MS. MICHAEL: Yes, Your Honor.

24 THE COURT: If -- of course, if I were to find that
25 the standard Miranda card that was used back then, you know,

1 doesn't comport with Ninth Circuit case law and so it wasn't a
2 good enough warning, the content of the warning was defective,
3 then the voluntariness is no longer an issue; right? I mean,
4 that's the end of the inquiry.

5 So why don't you focus on that.

6 MS. MICHAEL: On that. Yes, Your Honor. I can do
7 that.

8 And, Your Honor, in terms of the Miranda issue, what
9 I'd like to point out, you know, obviously I understand that
10 defense counsel has briefed this, but I do believe their
11 briefing and argument is a little bit misguided. Miranda
12 analysis by courts, it's not a one-size-fits-all type of
13 scenario. I think the courts have been very clear that there
14 are four rights that Miranda requires and I just -- you know,
15 Your Honor, I'm just going to read them real quickly.

16 THE COURT: Okay.

17 MS. MICHAEL: That the defendant has the right to --

18 THE COURT: Take your time.

19 MS. MICHAEL: That's okay.

20 That the defendant has the right to remain silent;
21 that anything he says can be used against him in a court of
22 law; that he has the right to the presence of an attorney; and
23 that if he cannot afford an attorney, one will be appointed for
24 him prior to any questioning if he so desires.

25 THE COURT: Yeah, but there is that Ninth Circuit

1 case that says it has to be -- it's the *Snaer* case or -- I'm
2 talking about where it says you have to tell them you have the
3 right to consult with an attorney.

4 MS. MICHAEL: Well, Your Honor, actually, and here's
5 the thing about that case. I don't believe that's correct.

6 THE COURT: All right. You mean --

7 MS. MICHAEL: A lot of --

8 THE COURT: You mean --

9 MS. MICHAEL: A lot of these cases, what they do is
10 every case has to look at the Miranda warnings that apply in
11 that case.

12 THE COURT: Right.

13 MS. MICHAEL: And the court has to say, based on
14 those warnings, were these four rights understood by the
15 defendant. There's no specifics in terms of words that have to
16 be used --

17 THE COURT: No. That's true. There's no magic
18 words.

19 MS. MICHAEL: -- or phrases. And actually, in *Snaer*,
20 the warning in that case is less than the -- than Metro's
21 typical warning. That's what's so concerning and that's why
22 the Government technically right now has no -- there's at least
23 one case on appeal regarding that because --

24 THE COURT: Yeah, I -- I --

25 MS. MICHAEL: That case actually --

1 THE COURT: -- my law clerk has brought me up to
2 this.

3 MS. MICHAEL: No. I understand.

4 THE COURT: There's a split in the -- in the Circuit
5 and everything but --

6 MS. MICHAEL: Yes. In the -- in the district courts.
7 That case actually doesn't include the term "during." So, in
8 terms of the defense arguing, "during" is not required under
9 *Snaer* --

10 THE COURT: Not "during" but it's --

11 MS. MICHAEL: -- but it talks about "consult." But
12 again, it just shows that that's an example. It talks about
13 "consult" in the sense that it would allow the defendant to
14 understand that they could have had an attorney present at the
15 time. So, it doesn't --

16 THE COURT: Well, presence is -- no. Presence -- you
17 know what, you -- did you bring that case with you?

18 Does anybody have that *Snaer* case handy? Because I
19 think that really is kind of the heart of it here.

20 Nobody has it?

21 Judge Foley doesn't have a computer here.

22 But as I remember, I mean, the *Snaer* case, they
23 affirmed -- they -- they -- you know, and it was Judge Canby,
24 he talked -- I -- actually was a professor of mine. Although
25 he didn't write the opinion --

1 MS. MICHAEL: Okay.

2 THE COURT: -- but I thought it was interesting that
3 he was involved in it.

4 But, it said, you know, in the part, it said you have
5 a right to -- it was a timing thing. And they implied the
6 right to consult because of the way it said you had this and
7 that.

8 MS. MICHAEL: Correct.

9 THE COURT: But they specifically said it has to be
10 clear that you have the right to consult. And so . . . you
11 know, this warning says, "You have the right to remain silent.
12 Anything you say can be used against you." That's fine.

13 "You have the right to presence of an attorney during
14 questioning." Of course, he left out "during questioning."
15 That's another issue. But, "If you cannot afford an attorney,
16 one will be appointed before questioning."

17 So it seems to me maybe I could hang my hat on that
18 "before questioning," that that implies, because he has to be
19 appointed for you before questioning, you would have a right to
20 consult before questioning.

21 MS. MICHAEL: And that's been the Government's
22 position, Your Honor, that really, I mean, what is the other
23 point of having an attorney? The whole point of being allotted
24 or being given the right to have an attorney present is to
25 consult with an attorney about what you should do. And I do

1 believe that's how the more recent district court cases in the
2 District of Nevada have come forth. Judge Mahan and
3 Judge Dawson --

4 THE COURT: I -- yeah. Judge Dawson reversed me on
5 that one and . . .

6 MS. MICHAEL: I wasn't aware of that.

7 THE COURT: That's okay.

8 MS. MICHAEL: I wasn't aware that that was
9 Your Honor. I just saw the case.

10 THE COURT: But that's all right. I mean, you know,
11 that's why we do it this way.

12 MS. MICHAEL: Right.

13 THE COURT: And . . . but obviously it's a very fine,
14 fine line here. And then, but as I understand it,
15 Judge Bouleware and Judge Dorsey have gone the other way.

16 MS. MICHAEL: That's -- that's correct, Your Honor.
17 And like I said, the decision by Judge Dorsey is on appeal by
18 our office and this decision by Judge Bouleware is on appeal
19 but for a different issue, but our office is standing by the
20 fact that we don't agree with that interpretation in *Chavez*,
21 how Judge Bouleware looked at -- or, I'm sorry. How the court
22 interpreted *Chavez* and *Snaer*.

23 THE COURT: All right.

24 MS. MICHAEL: And that's why, because again, in
25 the -- it's the same thing with the *Duckworth*, the use of that

1 case by defense. I feel that -- the Government feels that
2 oftentimes defense will take an example of a case where it says
3 these warnings were sufficient and then interpret that to mean
4 every word and every right listed in that warning is required.
5 And that's not what the case law says. It just reviews it --
6 and again, against Miranda -- says here are the four rights.
7 Based on the words that were given to the defendant at that
8 time, are those four rights understood by the defendant.

9 THE COURT: Let me see, I think in the *Snaer* case
10 what they said was it -- it is important that the defendant
11 understand he has a right to consult and even though the word
12 "consult" wasn't used in the warning, the way those two clauses
13 went one and then the other, that sufficiently implied the
14 right to consult that they said it was okay. But they
15 didn't -- you know, they didn't say because they used the word
16 "consult" it's okay because, in fact, they didn't use the word
17 "consult." You know, they had to reach to find an implied, you
18 know, communication of the right to consult the way those two
19 phrases were put together. And that was, you know, one right
20 after the other as you're logically listening. It seems like
21 you're trying to get me to say, if I were to support your
22 position, that because right at the end it says you can -- "if
23 you cannot afford an attorney, one will be appointed for you
24 before questioning." The fact that that last, you know, little
25 clause is there says -- you know, that means, you know, you

1 have a right to consult --

2 MS. MICHAEL: And as I --

3 THE COURT: -- or you're on notice that these rights
4 included the opportunity to consult.

5 MS. MICHAEL: Yes. And that would be a reasonable
6 understanding of the rights as they are read. And again, I
7 don't have the *Snaer* case in front of me, Your Honor, but I
8 actually -- my recollection was that those Guam rights did
9 include and did have the term "consult," but they left out
10 "during." So the time frame was whether the before was enough
11 to be a continuum of the time frame, and of the attorney being
12 present but -- but obviously, Your Honor, the case is what it
13 is, but the Government's position was that it --

14 THE COURT: Oh, wait. Wait.

15 MS. MICHAEL: Oh. You have it?

16 THE COURT: All right. Let me see here. I got it.
17 Okay.

18 Here's what they read. Let's see . . . "*Snaer*
19 executed and had read to him Guam's Custodial Interrogation
20 Warning form which reads as follows: 'Before you ask you any
21 questions you must understand your rights. You have the right
22 to remain silent. You do not have to talk to me unless you
23 want to do so. If you want to talk to me, you must advise
24 you'" -- with a little sic in there. You know, the courts are
25 terrible. I mean, I felt bad for this guy. He left out some

1 words -- "'you must advise you that whatever you say can and
2 will be used against you in a court. You have the right to
3 consult with a lawyer'" -- so, you're right. It did say
4 consult with a lawyer -- "'and to have a lawyer present with
5 you while you are being questioned.'" So, that's during the
6 questioning. "'And if you want a lawyer or are unable to pay
7 for one, a lawyer will be appointed to represent you free of
8 any cost to you. Knowing these rights, do you want to talk to
9 me?'"

10 Now that's . . .

11 Oh, you're right. So the point was, it didn't say
12 you have the right to consult "before questioning."

13 MS. MICHAEL: Correct.

14 THE COURT: So it was -- yeah. Actually, it wasn't
15 the "during," it was the before.

16 MS. MICHAEL: Oh, I guess --

17 THE COURT: Yeah. That's right.

18 MS. MICHAEL: -- okay.

19 THE COURT: It says, "The right to consult with an
20 attorney before questioning is significant because counsel
21 cannot advise the client whether to exercise the right or
22 remain completely silent or if he chooses to speak, which
23 questions to answer or how to answer them. Thus, it is
24 extremely important that a defendant be adequately warned of
25 this right." And then they talk about that *Noti* case but --

1 MS. MICHAEL: So I guess there, it was that they had
2 "before" and "consult" that they found was sufficient to
3 overcome the not having "during."

4 THE COURT: Right. Because it had the word "consult"
5 and made it clear before. And -- and so . . . that's kind of
6 the issue I'm mulling around here.

7 Anyway . . . Okay.

8 MS. MICHAEL: Understood, Your Honor, but, again, I
9 guess I've made my argument, that I do believe as they were
10 given to the defendant, you know, he understood them and I -- I
11 do actually think the Court can also take into consideration
12 the defendant's response, that he did acknowledge that he
13 understood them and asked the officer some questions. He
14 didn't at any point ask for a lawyer and he didn't at any point
15 say he didn't want to continue to speak to the officer. So I
16 do believe by the rights he was given he understood his rights
17 and that they were sufficient in terms of what Miranda
18 requires.

19 So with that, Your Honor, unless you have --

20 THE COURT: No.

21 MS. MICHAEL: -- any other questions --

22 THE COURT: Thank you very much.

23 MS. MICHAEL: Thank you so much.

24 THE COURT: Very helpful.

25 Okay. Ms. Waldo.

1 MS. WALDO: Thank you, Your Honor.

2 Your Honor, I think I'm going to, just for efficiency
3 sake, focus on the issue related to the Miranda warnings
4 because --

5 THE COURT: I think that's probably wise.

6 MS. WALDO: -- I think -- I think the issue regarding
7 voluntariness has been fully briefed.

8 THE COURT: Right.

9 MS. WALDO: I think to start, what I'd like to do is
10 draw the Court's attention to Page 9 of the Government's
11 response, which is Document 196. In the first paragraph the
12 Government argues that "In order to be valid, a Miranda warning
13 must convey clearly to the arrested party that he or she
14 possesses the right to have an attorney present prior to and
15 during questioning." And I think just in that statement alone,
16 based on what we heard on the body cam footage from
17 Officer Glover, it's very clear that he left out very important
18 words in the warnings that were given. And I think, as this
19 Court has somewhat highlighted, is that these words are not
20 happenstance. They're not meaningless words. Each of the
21 words that are in the Miranda warning card have very sufficient
22 important -- or very -- are important because they convey --

23 THE COURT: Hold on. Let me stop you, Ms. Waldo.

24 MS. WALDO: Okay.

25 THE COURT: So actually, because until we listened to

1 the recording today, the fact that "during questioning" was
2 left out, you know, that wasn't briefed or brought up at all, I
3 don't think.

4 MS. WALDO: It was -- it was actually briefed in my
5 motion.

6 THE COURT: Oh, okay.

7 MS. WALDO: I actually argued in my motion --

8 THE COURT: Because you had listened to the tape?

9 MS. WALDO: I had.

10 THE COURT: Okay.

11 MS. WALDO: And --

12 THE COURT: So you -- but, what you're saying is
13 something a little different than what I was focusing on.
14 You're saying, okay. It -- because you said -- "if you cannot
15 afford an attorney, one will be appointed before questioning,"
16 but it -- but he didn't make it clear that he had the presence
17 of an attorney during questioning.

18 MS. WALDO: Correct. And I believe it's kind of --
19 the warnings as they are read to my client were insufficient in
20 the totality of the circumstances --

21 THE COURT: Um-hmm.

22 MS. WALDO: -- because I believe, as the Court
23 highlighted from the *Snaer* case, the right to consult with an
24 attorney "before questioning" is a very important right that
25 should be clearly depicted to a defendant or an arrestee.

1 Because obviously that's the most -- I think the most critical
2 component of that right is making that determination, "Do I
3 want to speak with an attorney before I speak with this
4 officer?" because an attorney -- I believe any defense attorney
5 is going to tell a client or a potential -- an arrested
6 suspect, "Don't talk."

7 THE COURT: Sure.

8 MS. WALDO: And I don't even think most attorneys
9 would advise a suspect in that case to, you know, "Answer only
10 these particular questions." I -- most are going to advise,
11 "Don't speak to the police; it's not going to help you." And
12 so, I believe that's why the *Snaer* case, the Ninth Circuit
13 cases are starting to say these are important rights and this
14 certainly was not clear from what Officer Glover read to
15 Mr. Qazi that day.

16 But I -- the reason why I'm pointing out the "during
17 questioning" component is because if you look at the
18 Government's response, what they've kind of -- what they've
19 done in looking at the case law, is they've combined the two
20 rights. They've said, okay. He's been advised of a right
21 during question -- that he has a right to an attorney during
22 questioning, and then you couple that with the right to have an
23 attorney appointed to you before questioning. So they're kind
24 of combining those two rights and saying a suspect can infer
25 from that that you have the right to an attorney during and

1 before questioning. And what I'm arguing is that because in
2 this particular case Officer Glover -- or Detective Glover
3 now -- left out that critical component "during questioning,"
4 he -- my client could not reasonably infer from the rights that
5 were read to him that he had the right to consult with an
6 attorney before questioning, or that he even had the right to
7 an attorney during questioning. And those -- these are the
8 critical components of, I guess, when we're looking at a
9 Miranda waiver.

10 THE COURT: Um-hmm.

11 MS. WALDO: So, I'm not going to belabor the point.
12 I believe it's pretty clear from the case law that we cited to,
13 as well as some of the cases that are going on in this
14 district, as well as the Ninth Circuit. In this particular
15 case Officer Glover left out critical rights. They were not
16 clearly conveyed to my client at the time that he decided to
17 then speak to Officer Glover. And, I understand the
18 Government's argument that, "Well, look what he did; he then
19 started asking questions." Well, the bottom line is, he didn't
20 understand his rights. He didn't understand that at that very
21 moment he had the right to ask to speak to an attorney before
22 he answered any questions and he didn't understand that he had
23 the right to have an attorney present during questioning. So
24 the fact that he then later responded and started asking
25 questions of the officer is really -- is a moot point, because

1 he didn't understand what his rights were at that time.
2 Therefore, there could not have been a voluntary waiver, an
3 intelligent waiver of those rights.

4 And it is very clear from the transcript with
5 Detective Kitchen that Detective Kitchen relied on
6 Officer Glover's warnings. He did not re-Mirandize. So, we
7 don't even have to, I think, go to the next step of determining
8 whether or not Detective Kitchen should have re-Mirandized.
9 The bottom line is, the warnings read to -- to Mr. Qazi by
10 Officer Glover were insufficient. There were not subsequent
11 warnings read again, and therefore any statement provided by
12 Mr. Qazi must be suppressed.

13 And with that, I'll submit it.

14 THE COURT: All right. Thank you, Ms. Waldo.

15 Okay, Ms. Michael. You get the last word.

16 MS. MICHAEL: Your Honor, I'm fine submitting it --

17 THE COURT: Oh, you're good?

18 MS. MICHAEL: -- on as-is. Yes.

19 THE COURT: Okay. Well, let -- let me just ask you
20 then --

21 MS. MICHAEL: Yes.

22 THE COURT: -- if you don't mind . . .

23 MS. MICHAEL: Yes, Your Honor.

24 THE COURT: I'll just give you a chance.

25 Ms. Michael?

1 MS. MICHAEL: Oh, I'm sorry.

2 THE COURT: Because it is kind of interesting and I
3 was just thinking about, as it's going here today, you know, of
4 course the warning happened and then there was a delay in the
5 warning. And, you know, Detective Kitchen's technique was --
6 was, you know, frankly, I mean, I'm going to think back through
7 it and read everything, I don't think it rises to the level of
8 making it involuntary, but there's an interesting sort of nexus
9 to me between, you know, creating an incentive to go ahead and
10 be honest because if-you-tell-me-everything-now-it-will-go-
11 easier-for-you-later kind of approach. And, I mean, those
12 same -- that same argument is also kind of conveying, you know,
13 obviously if you get an attorney and don't talk at all, you
14 know, then we're going to have to go through all the rigamarole
15 of testing the DNA and doing all this and that's a lot of
16 expense and that's going to run hard on you. So even though he
17 didn't expressly say that, it seems like it's kind of implied
18 in his questioning that, you know, it's in his interest to
19 cooperate and come clean now rather than, you know, go through
20 the formal steps.

21 I mean, you see what I -- you see why I'm bothered
22 there a little bit?

23 MS. MICHAEL: I do understand, Your Honor.

24 THE COURT: Yeah.

25 MS. MICHAEL: However, I do believe -- I don't

1 believe that the detective would have inferred that or meant
2 anything in terms to getting an attorney. I think it's more
3 investigative steps that they have to take. Because regardless
4 of what the defendant does -- regardless of whether the
5 defendant got an attorney at that point --

6 THE COURT: Um-hmm.

7 MS. MICHAEL: -- or decided to stop speaking to
8 Detective Kitchen, he's going to go ahead and get DNA and
9 submit the DNA for testing and continue to do his investigation
10 to prove -- to prove his case. So, I don't --

11 THE COURT: Whether or not he confessed; right?
12 Whether or not --

13 MS. MICHAEL: Yes, Your Honor.

14 THE COURT: Yeah. But he kind of implied in his --
15 in his conversation there that it -- you know that by -- by
16 going ahead -- Mr. Qazi goes in and tells, "Yeah, that's my
17 gun" or whatever, I got it from a Nation guy two weeks ago, I
18 mean, he goes ahead and says those things. By saying those
19 things, the D.A. is going to go easier on him because he's not
20 making the State -- and we won't even talk about him being over
21 here in federal court -- go through the steps to -- to do all
22 this and it turns out they were going to do those steps anyway;
23 right?

24 MS. MICHAEL: Yes. And I guess, Your Honor, I still
25 just don't think Detective Kitchen or his point of questioning

1 was really going beyond what he was going to be doing as an
2 investigator or the law enforcement on scene at that point that
3 evening.

4 THE COURT: Right.

5 MS. MICHAEL: I don't believe that there's any --
6 when he was talking about talking to the D.A., that was in
7 regards to, you know, another defendant on another case. I
8 don't think he took it that next step of saying beyond what he
9 was going to have to do; it was more, you know, if the
10 defendant was going to give him information now or come clean
11 on it, that would potentially make what they're doing at the
12 scene easier. I don't believe it extended to anything that
13 would have gone beyond that.

14 THE COURT: Beyond that.

15 MS. MICHAEL: That the D.A. or that the Court or that
16 trial or anything like that. My understanding and my
17 interpretation was that was just contained in what they were
18 doing right then and there.

19 THE COURT: No. It is interesting. Obviously a
20 very -- very effective detective.

21 All right. Nobody else has anything. I really
22 appreciate it. I thought the arguments were helpful and it was
23 good to get this evidence in today.

24 So, thank you. Have a good day.

25 MS. MICHAEL: Thank you, Your Honor.

1 MS. WALDO: Thank you, Your Honor.

2 (Proceedings adjourned at 12:22:39 p.m.)

3
4 C E R T I F I C A T E

5
6 I, Heather K. Newman, court-approved transcriber,
7 certify that the foregoing is a correct transcript transcribed
8 from the official electronic sound recording of the proceedings
9 in the above-entitled matter.

10
11 /s/ Heather K. Newman
12 Heather K. Newman

10-14-2016
Date